

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF ePLUS INC'S OBJECTIONS TO DEFENDANT'S COUNTER  
DEPOSITION DESIGNATIONS, COUNTER-COUNTER DESIGNATIONS  
AND REVISED SUMMARY OF DAY 2 OF THE DEPOSITION OF  
DALE CHRISTOPHERSON (OCT. 20, 2009)**

Plaintiff, *ePlus*, Inc. (“*ePlus*”), through counsel, hereby submits the following specific objections to Defendant *Lawson Software, Inc.* (“*Lawson*”)’s Counter-Deposition Designations of the deposition of Dale Christopherson (October 20, 2009) and offers the following counter-counter designations and revised summary:

**Specific Objections**

<b>Defendant's Counter Designations</b>	<b><i>ePlus's Objections to Defendant's Counter Designations</i></b>	<b><i>ePlus's Counter-Counter Designations</i></b>
362:18-363:2		
370:10-371:2		
372:8-12		
388:22-389:4		
447:3-15		

### **Revised Summary**

Designated testimony relates to:

Typically prospective clients for Procurement applications of the S3 Supply Chain Management suite issue a request for proposal. (325:11-19) Lawson reviews these RFPs to determine whether or not to bid on them. (325:20-326:1) If Lawson decides to bid on an RFP, Lawson prepares a response to the RFP. (326:2-5) Lawson has a team headed up by the account executive that drafts the RFP response. (326:6-11) There is usually also a technical support person that works on the team. (327:2-6) Lawson's RFP responses are vetted by a number of different personnel. (371:15-18) Lawson does not intend to mislead its prospective customers about the capability of its products. (371:11-14)

Lawson has a centralized place where it keeps answers to a lot of questions that have been asked in the past that they use in drafting RFP responses. (326:8-11; 328:22-329:6; 331:21-332:2) These standard answers come from a variety of sources, including the support organization and development. (329:17-330:1)

There are a number of product partners for the Lawson S3 Supply Chain Management suite, including Fisher Healthcare, Global Healthcare Exchange (or GHX), and Grainger. (341:21-342:10) Lawson product partners are complimentary to Punchout providers, so they can be Punchout trading partners. (342:11-20)

There are more than 1,000 Lawson S3 customers worldwide. (336:13-16) All current existing Lawson customers are covered by Lawson's ongoing maintenance and support. Included in the standard level of maintenance for Lawson software are all new releases, upgrades, enhancements, and fixes. (354:22-355:14) This applies to the Procurement applications of the S3 Supply Chain Management suite. *Id.*

The Lawson Knowledge Base can be accessed online at MyLawson.com. (348:3-11) Lawson customers do not pay extra for this service. (348:15-16) It is included in the maintenance fee. (348:17-19) Lawson provides training workbooks to customers that have attended Lawson classes on the Procurement applications in the Supply Chain Management suite. (352:11-16)

Lawson provides a remote diagnostics service that is included in the cost for the maintenance and support services. (350:11-14) Remote diagnostics involves having Lawson personnel conduct a WebEx session with a customer to see what the problem is that the customer is having. (349:13-350:10) A conference call with the customer is usually done in conjunction with the WebEx session. *Id.*

Lawson provides data conversion and data import services to its customers in connection with the implementation of the Procurement applications of the S3 product suite. (355:17-356:3; 356:6-11) Lawson's implementation services may also include pre-implementation planning, hardware installation, software installation, technical training for staff, interface development, train the trainer training, end user training, live support, and post live support. (362:5-17) There is not a typical solution or typical timeline for a solution because each customer is unique.

(362:18-363:2) Post live implementation support involves assistance that Lawson provides to its customers for the first few months after bringing the software up into live production mode. (350:21-351:13)

When performing the vendor price agreement load, although a CSV file could come from anywhere, the CSV file for the load typically comes from the vendor (388:22-389:8).<sup>1</sup> The catalog data import utility, or PO536 program, comes with the Lawson product as delivered. (447:16-20) The customer decides whether to load content into the Item Master as the customer enters into agreements with suppliers. A reason that the system does not come pre-loaded with data is because Lawson does not know the particular vendors with whom each of its customers have relationships.<sup>2</sup> (447:3-15) Lawson provides implementation services to assist its customers with importing vendor catalog data into the Item Master. (447:21-448:3)

Lawson's Purchase Order module has commodities and commodity coding structures out of the box. (366:8-11) Lawson's Procurement applications include the ability to automatically convert a requisition to a purchase order out of the box. (366:18-367:3) Lawson's Procurement applications also include the ability to search vendor files from within these purchasing processes out of the box. (367:10-17) Lawson's Procurement applications include the ability to convert lines of requisitions to multiple purchase orders and/or different vendors out of the box. (368:4-14)

Lawson stated in one of its RFP responses that the Inventory Control module has the ability to track particular types of information for inventory items, including item description short, manufacturers, brand/model/part number, long text description, vendor and number. (369:16-370:9) The long text description was not unlimited text, but was limited to 30 or 20 characters. (370:10-371:2)

---

<sup>1</sup> Lawson suggests that this sentence read, "Typically when performing the vendor price agreement load, the CSV file for the load comes from the vendor. (389:5-8) The CSV file could come from anywhere. (388:22-389:4)" *ePlus* has revised the wording to more accurately reflect the testimony.

<sup>2</sup> Lawson has added the statement that the customer decides whether to load content into the Item Master as the customer enters into agreements with suppliers. *ePlus* objects that this is an incomplete summary of the designated testimony and adds that the witness testified that a reason that the system does not come pre-loaded with data is because Lawson does not know the particular vendors with whom its customers have relationships.

Respectfully submitted,

---

/s/  
\_\_\_\_\_  
Craig T. Merritt (VSB #20281)  
Henry I. Willett, III (VSB #44655)  
**CHRISTIAN & BARTON, LLP**  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
Telephone: (804) 697-4100  
cmerritt@cblaw.com  
hwillett@cblaw.com

Scott L. Robertson (admitted *pro hac vice*)  
Jennifer A. Albert (admitted *pro hac vice*)  
David M. Young (VSB#35997)  
**GOODWIN PROCTER LLP**  
901 New York Avenue, N.W.  
Washington, DC 20001  
Telephone: (202) 346-4000  
SRobertson@goodwinprocter.com  
JAlbert@goodwinprocter.com  
DYoung@goodwinprocter.com

Michael G. Strapp (admitted *pro hac vice*)  
James D. Clements (admitted *pro hac vice*)  
**GOODWIN PROCTER LLP**  
Exchange Place  
53 State Street  
Boston, MA 02109-2881  
Telephone: (617) 570-1000  
MSrapp@goodwinprocter.com  
JClements@Goodwinprocter.com

*Attorneys for Plaintiff, ePlus Inc.*

Dated: August 11, 2010

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

		321		323
1	EXHIBITS CONTINUED		1	PROCEEDINGS
2	CHRISTOPHERSON DEPOSITION EXHIBITS	PAGE	2	THE VIDEOGRAPHER: Here begins videotape
3	Exhibit 34 Compilation of files	392	3	number 1 in the deposition of Dale Christopherson,
4	related to IC11		4	volume 2, in the matter of ePlus inc. versus Lawson
5	Exhibit 35 Compilation exhibit	393	5	Software, Inc., in the United States District Court
6	relating to program IC00		6	for the Eastern District of Virginia, Richmond
7	Exhibit 36 Compilation exhibit	396	7	Division, case number 3:09-CV-620 JRS. Today's
8	relating to IC800		8	date is October 20th, 2009. The time on the video
9	Exhibit 37 Compilation exhibit	399	9	monitor is 9:14 a.m.
10	partly relating to		10	The video operator today is Antonio
11	PunchoutSetupRequest.		11	Tropeano of Merrill LAD. The video deposition is
12	java		12	taking place at Goodwin Procter, 901 New York
13	Exhibit 38 Defendant Lawson	402	13	Avenue, Northwest, Washington, D.C. Counsel,
14	Software Inc.'s		14	please voice identify yourselves and state whom you
15	Supplemental Responses		15	represent.
16	to Plaintiff ePlus		16	MS. ALBERT: Jennifer Albert with the
17	inc.'s Interrogatory		17	firm of Goodwin Procter, representing the
18	Numbers 4, 5, 6, 8, 10,		18	plaintiff, ePlus incorporated.
19	12, 14, 16, and 17		19	MR. SCHULTZ: William Schultz of Merchant
20	Exhibit 39 Purchase Order	409	20	& Gould, representing Lawson Software,
21	Procedures Manual		21	Incorporated.
22	Release 6.0		22	THE VIDEOGRAPHER: The court reporter
		322		324
1	EXHIBITS CONTINUED		1	today is Lee Bursten of Merrill LAD, and the
2	CHRISTOPHERSON DEPOSITION EXHIBITS	PAGE	2	witness is already sworn in. You can begin.
3	Exhibit 40 Requisitions Procedures	413	3	DALE A. CHRISTOPHERSON
4	Manual Release 6.0		4	having been previously duly sworn, testified as
5	Exhibit 41 Inventory Control	418	5	follows:
6	Procedures Manual		6	FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF
7	Release 6.0		7	BY MS. ALBERT:
8			8	Q Mr. Christopherson, I remind you, you
9			9	remain under oath from yesterday. Do you
10			10	understand that?
11			11	A Yes.
12			12	Q I just wanted to follow up on one item
13			13	from yesterday, whether you were able to find out
14			14	the high level functionality of the Vendor
15			15	Self-Service application.
16			16	A Yes, I was.
17			17	Q Could you please explain that.
18			18	A The Vendor Self-Service application
19			19	essentially is an application that allows vendors
20			20	to be able to connect to the customer and find out
21			21	status of invoices they've submitted, and then the
22			22	subsequent payments of those.

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 Q Can you use the Vendor Self-Service 2 application as a portal to transmit purchase orders 3 to the vendors, for example?</p> <p>4 A No. It's a case where it's coming from 5 the vendor, going to the customer. It's not a case 6 of sending purchase orders over.</p> <p>7 Q Can the vendor use it as a portal to 8 transmitted purchase order acknowledgements or 9 advance ship notices?</p> <p>10 A No.</p> <p>11 Q Switching subjects, can you describe the 12 process pursuant to which Lawson would be awarded a 13 contract for the Procurement applications of the S3 14 Supply Chain Management suite?</p> <p>15 A That's going to depend on each customer, 16 as far as their procurement process goes.</p> <p>17 Q Would a prospective client typically 18 issue a request for proposal?</p> <p>19 A Typically, yes.</p> <p>20 Q And would Lawson typically develop a 21 response to that RFP?</p> <p>22 A They would review that RFP to see if it's</p>	<p>325</p> <p>1 A No, I don't. 2 Q Who is responsible for drafting the 3 actual answers in the response to an RFP? 4 A That is usually with the account 5 executive, and there's usually a technical support 6 person that's working with them.</p> <p>7 Q So for example if the RFP had aspects 8 related to some of your products that you're 9 responsible for, would someone from your staff 10 assist the account executive in drafting the 11 response to the RFP?</p> <p>12 A Only if they're asking some very specific 13 detailed technical questions, then we would.</p> <p>14 Q Does anyone typically review responses to 15 RFPs before they're submitted to the prospective 16 client?</p> <p>17 A Yes, they are.</p> <p>18 Q Who reviews those?</p> <p>19 A It's reviewed withinside of the sales 20 team. If there's anything where they've had to get 21 responses outside that aren't the standard 22 responses, then the areas within the company that</p>	<p>327</p>
<p>1 one that we want to in fact bid on. 2 Q And that if they do want to bid on that, 3 would they go about preparing a response to that 4 RFP? 5 A Yes. 6 Q And how are responses to RFPs drafted? 7 A There is a team that would draft those, 8 headed up by the account executive. We've got a 9 centralized place where a lot of questions have 10 been asked in the past with respect to answers to 11 those questions that they are able to pull from. 12 Q How is an account executive selected for 13 a particular prospective client's bid? 14 A I do not know. 15 Q Who would know the answer to that? 16 A I would talk to one of the sales 17 directors. 18 Q Who are the sales directors? 19 A I don't recall all of them off -- I don't 20 recall them, actually. I would have to look at an 21 org chart. 22 Q Do you recall any of them?</p>	<p>326</p> <p>1 are -- that own that particular space, if it's a 2 change maybe in support policies, support team 3 would read it. If it was questions about maybe the 4 type of web security, then that would -- and it's 5 with the self-evident applications, that would come 6 to my team, since we handle that. 7 If it was inside the Lawson System 8 Foundation, it would go to that team and they would 9 review those. 10 Q Who is responsible for determining the 11 pricing that you're going to propose to the 12 prospective client? 13 A That is all withinside of the sales 14 organization. And then depending on the amount of 15 discounts, then there is an approval matrix that 16 they have to follow. So depending on the 17 percentage of discount. 18 Q How do you determine any applicable 19 discounts? 20 A That's up for the sales team, what they 21 feel that they need to win that business. 22 Q And you said that there was a location</p>	<p>328</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>329</p> <p>1 where there were standard responses to RFP 2 questions? 3 <b>A Yes.</b> 4 Q So is there some sort of centralized 5 repository where those are maintained? 6 <b>A Yes, there is.</b> 7 Q What's the name of that repository? 8 <b>A I don't recall. I've been on that only a</b> 9 <b>couple of times ever.</b> 10 Q Is there a standardized repository for 11 the S3 product line versus the M3 product line? Is 12 it one central repository? 13 <b>A The last time I was in there, which was</b> 14 <b>this -- sometime this summer, I did see M3</b> 15 <b>responses. Also when I was doing some queries. So</b> 16 <b>there was M3 and S3 in there.</b> 17 Q Who provided the standard answers that 18 are included in that database? 19 <b>A It comes from a variety of sources.</b> 20 <b>Again, if it's to deal with support, it's come from</b> 21 <b>the support organization, or at least they have</b> 22 <b>reviewed it before it goes in there. The same with</b></p>	<p>331</p> <p>1 entitled "Answer Detail: The Proposal Automation 2 Suite." It bears production numbers LE 00352046 3 through 2342. 4 (Christopherson Exhibit 30 was marked for 5 identification and attached to the deposition 6 transcript.) 7 BY MS. ALBERT: 8 Q Are you familiar with the document that's 9 been marked as Christopherson Exhibit 30? 10 <b>A It's the first time that I've seen at</b> 11 <b>least the cover letter. I haven't looked any</b> 12 <b>further into it. But looking at it right now, I've</b> 13 <b>not seen this before.</b> 14 Q Could you take a minute to peruse it, and 15 let me know if this might be a printout of the 16 standard answers to RFPs that you were describing. 17 <b>A It does look to be.</b> 18 Q And was this a document that was prepared 19 in the ordinary course of Lawson's business? 20 <b>A Not sure what you're asking.</b> 21 Q Do you know whether it's a typical part 22 of Lawson's business, to prepare the answers that</p>
<p>330</p> <p>1 <b>development.</b> 2 Q Who is responsible for maintaining the 3 information in that database? 4 <b>A There is a team withininside of the sales</b> 5 <b>organization that maintains that, the sales support</b> 6 <b>team.</b> 7 Q And who has access to the information 8 that's contained in that database? 9 <b>A That would be -- I don't know everyone</b> 10 <b>that has access. Clearly the sales folks do. I</b> 11 <b>know that I do. Other than that, I would go back</b> 12 <b>to that team and ask that team.</b> 13 Q Do you know how often those standard 14 answers are updated? 15 <b>A As needed, those are updated. It would</b> 16 <b>be a question to ask of the sales support team, how</b> 17 <b>often they're actually doing it.</b> 18 Q So who maintains the information in that 19 database and makes sure it's up to date? 20 <b>A The sales support team is doing that.</b> 21 MS. ALBERT: Let me have the reporter 22 mark as Christopherson Exhibit 30 a document</p>	<p>332</p> <p>1 are found in this database and maintain them? 2 <b>A Yes. Mm-hmm.</b> 3 Q If you look at the first page, there's a 4 file identifier there up at the top, Database 5 F:\RFP Machine\Data. Does that assist you in 6 identifying the document as being the standardized 7 answers to RFPs that you were referring to? 8 <b>A All that refers to is the specific</b> 9 <b>database withininside of LotusNotes, since it's got</b> 10 <b>the MVB designation. Actually maybe not within</b> 11 <b>LotusNotes. But that F colon, you can't tell what</b> 12 <b>machine that's from.</b> 13 Q It says there, "Lawson S3 data." Do you 14 know if this is just the section of the 15 standardized answers that relate to the S3 product 16 suite? Or product line, excuse me. 17 <b>A I could not answer that question. I</b> 18 <b>certainly have not gone through this entire</b> 19 <b>document. Typically the interface that I use to</b> 20 <b>review the answers are not a document such as this.</b> 21 Q What's the way that you would typically 22 retrieve the information, the standardized answers</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 to --</p> <p>2 <b>A I would be online in a web browser doing</b></p> <p>3 <b>queries.</b></p> <p>4 Q And what database do you query?</p> <p>5 <b>A I -- all I'm going against is a specific</b></p> <p>6 <b>URL that I've got saved as a Favorites on my IE or</b></p> <p>7 <b>Internet Explorer. And then I provide my log-in</b></p> <p>8 <b>information.</b></p> <p>9 Q Do you know what that URL is?</p> <p>10 <b>A No, I do not. That's why I have it saved</b></p> <p>11 <b>as my Favorites.</b></p> <p>12 Q Do you know if the database to which you</p> <p>13 are referring was searched for documents responsive</p> <p>14 to ePlus's document request for this litigation?</p> <p>15 <b>A An e-mail had been sent out to do that.</b></p> <p>16 Q Do you know if the information from the</p> <p>17 database to which you were referring was actually</p> <p>18 collected?</p> <p>19 <b>A I do not know that.</b></p> <p>20 Q Do you know if the document marked as</p> <p>21 Christopherson Exhibit 30 is the most up-to-date</p> <p>22 version of the standardized RFP answers?</p>	<p>333</p> <p>1 <b>A Mm-hmm.</b></p> <p>2 Q I can't find anything later than that.</p> <p>3 <b>A Right.</b></p> <p>4 Q So that was leading me to believe that</p> <p>5 perhaps there is a more up-to-date version of this</p> <p>6 document.</p> <p>7 <b>A I would believe that you do not have the</b></p> <p>8 <b>most up-to-date document because of that.</b></p> <p>9 MS. ALBERT: Counsel, I would ask that</p> <p>10 you provide the most up-to-date version of the</p> <p>11 proposal automation Suite or the standardized</p> <p>12 answers to RFPs.</p> <p>13 MR. SCHULTZ: And I believe that has been</p> <p>14 produced in some of the recent productions, because</p> <p>15 the topic was discussed in a previous deposition,</p> <p>16 and that was collected and produced. It may not be</p> <p>17 in the same format as this. I don't know that,</p> <p>18 though.</p> <p>19 MS. ALBERT: Do you know what day it was</p> <p>20 produced?</p> <p>21 MR. SCHULTZ: I don't. I have sent an</p> <p>22 e-mail to get that information. But Minneapolis</p>	<p>335</p>
<p>1 <b>A I do not.</b></p> <p>2 Q Is there any way you could tell if there</p> <p>3 was the most -- if this was the most up-to-date</p> <p>4 version?</p> <p>5 <b>A The only way you would be able to tell is</b></p> <p>6 <b>if there was some sort of date on this actual</b></p> <p>7 <b>publication. There's no date. There's an</b></p> <p>8 <b>alternate way, and that was clearly that if you</b></p> <p>9 <b>were to update an answer, it would show a date in</b></p> <p>10 <b>the "Modified" field. And you could see if that --</b></p> <p>11 <b>you know, as a test, if you went and edited</b></p> <p>12 <b>something or added something, to see if that date</b></p> <p>13 <b>showed up just as you printed it, and then</b></p> <p>14 <b>obviously you would know.</b></p> <p>15 <b>But in this particular case, I'm not sure</b></p> <p>16 <b>how many pages are in this, I see answers back to</b></p> <p>17 <b>2006 as far as editing dates or modified dates.</b></p> <p>18 <b>But whether or not this is the most up to date,</b></p> <p>19 <b>that I can't say.</b></p> <p>20 Q Yes, I was going to mention that the</p> <p>21 latest date I can find on any answer in this</p> <p>22 document is in 2006.</p>	<p>334</p> <p>1 time is an hour behind. So as soon as I get that,</p> <p>2 I will let you know.</p> <p>3 MS. ALBERT: Okay. Thank you.</p> <p>4 BY MS. ALBERT:</p> <p>5 Q Could you turn to page 23 of the</p> <p>6 document, and that has the Bates number ending</p> <p>7 2068.</p> <p>8 <b>A Okay.</b></p> <p>9 Q Do you see in the middle of the page, "We</p> <p>10 serve customers worldwide," then there are a number</p> <p>11 of corporate logos shown there?</p> <p>12 <b>A Yes.</b></p> <p>13 Q How many customers of S3 are there</p> <p>14 worldwide?</p> <p>15 <b>A Greater than 1,000. I don't have the</b></p> <p>16 <b>exact number.</b></p> <p>17 Q Do you know how many S3 customers license</p> <p>18 products in the Procurement applications?</p> <p>19 <b>A As I answered yesterday, I do not know</b></p> <p>20 <b>that.</b></p> <p>21 Q Who would know the answer to that?</p> <p>22 <b>A You would -- I believe I had said</b></p>	<p>336</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1     <b>yesterday it might be a bit challenging to get,</b>  2     <b>because you would actually have to review all of</b>  3     <b>the contracts to find that information. Or they</b>  4     <b>may have a system somewhere, perhaps in support or</b>  5     <b>something, that might know that.</b></p> <p>6       Q Of the 1,000 customers, do you know how  7       many users total there are for the S3 product line?</p> <p>8       A <b>First of all, I did not say there was</b>  9       <b>1,000 customers.</b></p> <p>10      Q Of the greater than 1,000 customers, do  11       you know how many total users there are?</p> <p>12      A <b>No, I do not.</b></p> <p>13      Q Is there any way to find out that  14       information?</p> <p>15      A <b>Again, you would go through the same</b>  16       <b>process.</b></p> <p>17      Q Can you turn to page 28 of the document  18       with the Bates number ending 2073.</p> <p>19      A <b>Okay.</b></p> <p>20      Q Do you see under the answer number 35,  21       there's some information about Lawson's profits?</p> <p>22      A <b>Mm-hmm.</b></p>	<p>337</p> <p>1     that information. Other witnesses have that  2     information.</p> <p>3       MS. ALBERT: That's fine. I can still  4       ask my question to see what his knowledge is.</p> <p>5       MR. SCHULTZ: Sure. It's just that he's  6       not designated for that information. So we would  7       object to this line of questioning as being beyond  8       the scope of the 30(b)(6) designation.</p> <p>9       BY MS. ALBERT:</p> <p>10      Q You can answer.</p> <p>11      A <b>Can you re-ask the question?</b></p> <p>12      Q Do you know what Lawson's profits were  13       for fiscal year 2009?</p> <p>14      A <b>I do not personally know.</b></p> <p>15      Q Can you turn to pages 30 and 31 of the  16       document.</p> <p>17      A <b>Okay.</b></p> <p>18      Q And do you see, answer number 38, there's  19       the question, "What percentage of revenues were  20       from sales/license fees or services?"</p> <p>21      A <b>Yes.</b></p> <p>22      Q And then on the next page, on page 31, it</p>	<p>339</p>
<p>1       Q And it says Lawson's profits for the past  2       three years are -- for 2006 it was \$218,234,000, do  3       you see that?</p> <p>4       A <b>Mm-hmm.</b></p> <p>5       Q Do you know what Lawson's profits were  6       for fiscal year 2009?</p> <p>7       MR. SCHULTZ: Before we answer that, what  8       category is this referring to? This seems like  9       it's not for Mr. Christopherson, but would be in  10       another category.</p> <p>11      MS. ALBERT: Well, I do have a category  12       related to implementation and setup, maintenance,  13       use, installation, operation.</p> <p>14      MR. SCHULTZ: We're getting into the  15       pricing, though. We've designated Keith Lohkamp on  16       that.</p> <p>17      MS. ALBERT: That's fine. Are you going  18       to instruct him not to answer?</p> <p>19      MR. SCHULTZ: I'm not. I'm just saying,  20       if you're asking him on questions he's not  21       designated for, don't expect him to have the  22       information. He's not here and prepared to have</p>	<p>338</p> <p>340</p> <p>1       gives information for 2006, 2005, and 2004?</p> <p>2       A <b>Yes.</b></p> <p>3       Q Do you know what percentage of Lawson's  4       revenues were from license fees for 2009?</p> <p>5       A <b>I've seen the numbers, but I do not</b>  6       <b>recall what they were.</b></p> <p>7       Q Do you know what percentage of Lawson's  8       revenues for fiscal year 2009 were attributable to  9       maintenance?</p> <p>10      A <b>Again, I've seen the number, but I don't</b>  11       <b>recall what it was.</b></p> <p>12      Q And what about for consulting, do you  13       know what percentage of Lawson's revenues for  14       fiscal year 2009 were attributable to consulting?</p> <p>15      A <b>I've seen the number, again, but I don't</b>  16       <b>recall what it was.</b></p> <p>17      Q Can you turn to pages 37 through 40 of  18       the document.</p> <p>19      A <b>Okay.</b></p> <p>20      Q Starting on page 37, there's a title,  21       "Lawson Product Partners." Can you explain what a  22       Lawson product partner is?</p>	

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 A Let me take a look and get a chance to 2 read this first. 3 Q Sure. 4 A Okay. What they are is, there are 5 products that are either embedded potentially 6 inside of the software, or it may be shipped with 7 the software, it may be shipped separately. 8 They're in some cases complementary products. 9 For instance, they may need an ability to 10 be able to print payroll checks. They may need -- 11 if you're going to do payroll in the U.S. and 12 Canada, for instance, then we have a partnership 13 with a company, BSI, which they handle all of the 14 tax percentages based on each -- you know, the 15 Federal government, the Canadian governments, the 16 provincial governments, the state governments, the 17 individual local governments and stuff. 18 So instead of Lawson keeping up on all of 19 those tax changes, we rely on BSI, with an 20 interface we have with BSI. 21 Q Are there any product partners that are 22 associated with any of the procurement applications</p>	<p>341</p> <p>1 Q Do any service partners work with Lawson 2 on implementations relating to the Procurement 3 applications within the S3 Supply Chain Management 4 suite? 5 A Yes. 6 Q Which partners are those? 7 A I couldn't specifically identify which 8 ones do that and which ones do not do that. 9 Q Who would know the answer to that? 10 A I would look -- Keith may know that. 11 Also the person managing the actual partners and 12 who that is, Keith would know, as far as what their 13 specific skills and abilities are. 14 Q For what percentage of implementations of 15 the Procurement applications within the S3 Supply 16 Chain Management suite does Lawson perform all of 17 the implementation services versus having a service 18 partner assist? 19 A I do not know that. 20 Q Who would know the answer to that? 21 A Keith may have an idea. I think 22 withininside of the services or professional services</p>	<p>343</p>
<p>1 within the S3 Supply Chain Management suite? 2 A Yes. 3 Q Could you name those? 4 A If you go down on page 37, you'll -- I'm 5 not going to be able to name all of them, but I'll 6 give you some examples. You've got Fisher 7 Healthcare, you've got Global Healthcare Exchange 8 or GHX as we referred to it yesterday. Those are 9 two. Granger is another one, that's three right in 10 a row that demonstrate that. 11 Q What products do those companies provide 12 that are embedded into the Lawson S3 procurement 13 products or are complementary thereto? 14 A They're complementary to Punchout 15 providers. 16 Q So a Lawson product partner could be a 17 Punchout trading partner? 18 A Correct. 19 Q And turning to page 39 of this document, 20 what are Lawson's service partners? 21 A Lawson's service partners are partners 22 that may work with us on implementations.</p>	<p>342</p> <p>1 team, they should have a much better understanding 2 of that. 3 Q Could you turn to page 46 of the 4 document. That has the Bates number ending with 5 2091. 6 A Okay. 7 Q The question -- well, the answer number 8 54, the question related to that says, "How do you 9 price maintenance?" And the answer is, 10 "Maintenance is priced annually at a percentage of 11 the software fee." Do you know what the 12 maintenance fees are related to the Procurement 13 applications within the S3 Supply Chain Management 14 suite? 15 A They're consistent across all if not 16 most -- most if not all of the S3 applications. I 17 don't know what the current percentage is for this 18 fiscal year. 19 Q Who would know the answer to that? 20 A The maintenance renewal team would know 21 that. 22 Q Who is on the maintenance renewal team?</p>	<p>344</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

1 <b>A</b> I would go to Rick Kantor for that 2 <b>question.</b> 3       Q Could you go to pages 173 through 174, 4       and refer to the answer number 243 that's at the 5       bottom of page 173 and carries over to page 174. 6 <b>A Yes.</b> 7       Q The question was, "Do you provide source 8       code?" And the answer given was, "Lawson provides 9       source code to the client for the majority of the 10      Lawson-owned software. Lawson will escrow the 11      source code for the remaining Lawson-owned software 12      if so requested by the customer." 13       Do you know with respect to the 14      Procurement applications within the Supply Chain 15      Management suite whether Lawson provides the source 16      code to the client? 17 <b>A Yes, I do know.</b> 18       Q What's the answer? 19 <b>A It varies with the particular product.</b> 20       Q For example, with respect to 21      Requisitions, does Lawson provide the source code 22      to the customer?	345	1       provide the source code to the client? 2 <b>A No.</b> 3       Q Could you turn to page 203. 4 <b>A Okay.</b> 5       Q With respect to answer number 289, 6       there's a reference in the answer to Lawson 7       Interactive Support. Can you describe what Lawson 8       Interactive Support is? 9 <b>A Sure. Essentially it's a mechanism that</b> 10 <b>allows customers to create in simplest terms a chat</b> 11 <b>session with a support engineer.</b> 12       Q Do customers having the S3 Supply Chain 13      Management applications pay extra for having this 14      interactive support service? 15 <b>A No, that's part of standard maintenance</b> 16 <b>fees.</b> 17       Q Do you know if that comes with each level 18      of the maintenance, for example is there a gold, 19      silver, and bronze level of maintenance? 20 <b>A There are different levels of</b> 21 <b>maintenance. That comes with the basic level, and</b> 22 <b>of course that's included in all levels above.</b>	347
1 <b>A For RQ Requisition, the answer is, for</b> 2 <b>that particular 4GL application, yes.</b> 3       Q What about with respect to Requisitions 4       Self-Service, does Lawson provide the source code 5       to the client? 6 <b>A No.</b> 7       Q For Procurement Punchout, does Lawson 8       provide the source code to the client? 9 <b>A No.</b> 10      Q For Purchase Order, does Lawson provide 11      the source code to the client? 12 <b>A Yes.</b> 13      Q For Inventory Control, does Lawson 14      provide the source code to the client? 15 <b>A Yes.</b> 16      Q For the EDI application, does Lawson 17      provide the source code to the client? 18 <b>A No.</b> 19      Q For Process Flow 9, does Lawson provide 20      the source code to the client? 21 <b>A No.</b> 22      Q For Vendor Self-Service, does Lawson	346	1 <b>Q</b> Can you turn to page 204. 2 <b>A Okay.</b> 3 <b>Q</b> Answer -- or question number 209, you 4       ask, "Do you provide an online knowledge base?" 5       And the answer indicates that "The Lawson Knowledge 6       Base offers customers a single point of access to a 7       comprehensive collection of Lawson product-specific 8       knowledge." 9       Where is this online knowledge base 10      retained? 11 <b>A You can access that at MyLawson.com.</b> 12 <b>Q</b> So can any S3 Supply Chain Management 13      customer access that knowledge base? 14 <b>A Yes.</b> 15 <b>Q</b> Do customers pay extra for this service? 16 <b>A No, they do not.</b> 17 <b>Q</b> Is that included in the standard license 18      fee? 19 <b>A It's included in maintenance.</b> 20      Q Could you turn to page 212. 21 <b>A Okay.</b> 22      Q And -- I don't know what question this	348

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 is. I believe the question number was on the prior  2 page. It looks like it was the answer number 299.  3 And it refers to various types of support. Can you  4 describe what onsite support is?</p> <p>5 A Let me go ahead and read what's here  6 first.</p> <p>7 Q Sure.</p> <p>8 A Sure. It's a case where the customer, at  9 an additional cost, as mentioned here in the first  10 sentence, may elect to have one of our support  11 people actually go to the customer site to work  12 with them.</p> <p>13 Q And what is the nature of the support  14 type referred to as remote diagnostics?</p> <p>15 A I'll go ahead and read that also.</p> <p>16 Okay. In that particular case,  17 essentially when working with customers, we believe  18 that basically a picture is worth a thousand words,  19 if you would. Sometimes in their description of  20 the problem, they might be missing a key step, like  21 "I hit the tab key." They might have missed  22 telling us that, and that was in fact maybe an</p>	<p>349</p> <p>1 Okay. This particular support is one  2 where, when customers are first getting up in the  3 software, in the actual live production mode,  4 obviously some of the users have had exposure  5 through what we call conference room pilot.  6 But when you've got a lot of new users,  7 they may be finding things that maybe they've  8 not -- maybe because the conference team pilot  9 didn't do things in the business process that  10 they're trying to do, that someone new is trying to  11 do, really got close attention, so that we make  12 sure the customer is successful in those first few  13 months.</p> <p>14 Q Do you know for -- what percentage of  15 customers that Lawson provides implementation  16 services for also subscribe to this post live  17 implementation support?</p> <p>18 A I do not know.</p> <p>19 Q Who would know the answer to that?</p> <p>20 A That would be the support team.</p> <p>21 Q Is there a head of support?</p> <p>22 A Yes, there is.</p>	<p>351</p>
<p>1 important part of recreating their issue, so we're  2 unable to recreate their issue.</p> <p>3 We go into WebEx, which allows us to  4 remotely connect to their system, watch them  5 actually do their processes, so that we can  6 actually see on their system the exact nature of  7 the issue and the exact steps. And we usually are  8 on a conference call at the same time, so we can  9 hear them, talk them through, they can tell us  10 exactly what they're doing.</p> <p>11 Q And does that type of remote diagnostic  12 support come standard when you buy the maintenance  13 and support services?</p> <p>14 A Yes.</p> <p>15 Q Is it standard with a particular level of  16 maintenance and support?</p> <p>17 A No.</p> <p>18 Q Is it standard for the basic level of  19 maintenance and support?</p> <p>20 A Yes.</p> <p>21 Q What is post live implementation support?</p> <p>22 A Let me go ahead and read this one too.</p>	<p>350</p> <p>1 Q Who is that?</p> <p>2 A Head of all of support, or head of M3/S3  3 support out separately?</p> <p>4 Q Who is the head of S3 support?</p> <p>5 A I would go to Nancy Anderson.</p> <p>6 Q Who is the head of M3 support?</p> <p>7 A The M3 I don't work with, so I couldn't  8 answer. I would have to go look at the org chart.</p> <p>9 Q Can you turn to page 217.</p> <p>10 A Okay.</p> <p>11 Q Answer number 307 relates to training  12 documentation. Does Lawson provide training  13 workbooks for customers who license the Procurement  14 applications in the Supply Chain Management suite?</p> <p>15 A For those who have attended the class,  16 yes.</p> <p>17 Q So what percentage of customers attend  18 the classes for the S3 SCM Procurement  19 applications?</p> <p>20 A I do not know that.</p> <p>21 Q Who would know the answer to that?</p> <p>22 A It would be withininside of the services</p>	<p>352</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       <b>organization.</b></p> <p>2       Q    Are the training workbooks available in</p> <p>3       some sort of centralized repository?</p> <p>4       <b>A    They would be maintained by the Lawson</b></p> <p>5       <b>Learning Group. Whether or not they're using a</b></p> <p>6       <b>central repository, I do not know that.</b></p> <p>7       MS. ALBERT: Counsel, we would request</p> <p>8       all training materials relevant to the Procurement</p> <p>9       applications within the S3 Supply Chain Management</p> <p>10      suite as well as the M3 Supply Chain Management</p> <p>11      suite.</p> <p>12      MR. SCHULTZ: My understanding is that</p> <p>13      was among the information that was requested</p> <p>14      yesterday, and that's being collected.</p> <p>15      MS. ALBERT: Thank you.</p> <p>16      BY MS. ALBERT:</p> <p>17      Q    Can you turn to page 219.</p> <p>18      <b>A    Okay.</b></p> <p>19      Q    Answer number 311 relates to online</p> <p>20      documentation provided. And it references this</p> <p>21      support.lawson.com website that we've been</p> <p>22      mentioning throughout yesterday and today. It has</p>	<p>353</p> <p>1       question, "Are new software releases included in</p> <p>2       the ongoing maintenance contract?" What's the</p> <p>3       answer to that with respect to the Procurement</p> <p>4       applications of the S3 Supply Chain Management</p> <p>5       product suite?</p> <p>6       <b>A    The answer on page 221, which is,</b></p> <p>7       <b>"Lawson's maintenance program includes all new</b></p> <p>8       <b>releases, upgrades, enhancements, and fixes."</b></p> <p>9       Q    So that is correct with respect to the</p> <p>10      Procurement applications?</p> <p>11      <b>A    Yes.</b></p> <p>12      Q    And that comes standard when you</p> <p>13      subscribe to the standard level of maintenance?</p> <p>14      <b>A    Correct.</b></p> <p>15      Q    Can you turn to page 245, please.</p> <p>16      <b>A    Okay.</b></p> <p>17      Q    The answer here provides a general</p> <p>18      overview for S3 implementation. And there are a</p> <p>19      number of different phases, I guess, if you will,</p> <p>20      in the implementation process, one of which is data</p> <p>21      conversion, migrating your legacy system data. Do</p> <p>22      you know if Lawson will provide data conversion</p>	<p>355</p>
<p>1       a very comprehensive list there of types of</p> <p>2       materials located at support.lawson.com. Do you</p> <p>3       know if all of those types of materials are</p> <p>4       available for the procurement modules of the Supply</p> <p>5       Chain Management product suite?</p> <p>6       <b>A    I believe they are.</b></p> <p>7       MS. ALBERT: Counsel, we would ask for</p> <p>8       all of these types of documentation listed here</p> <p>9       that are available for the S3 Supply Chain</p> <p>10      Management Procurement applications.</p> <p>11      MR. SCHULTZ: I believe this information</p> <p>12      has been produced. But I'll check into that.</p> <p>13      MS. ALBERT: Well, I don't know that</p> <p>14      we've ever seen any of the training documentation,</p> <p>15      the download instructions, the conversion</p> <p>16      workbooks. I'm not sure that we've seen the</p> <p>17      interface file layouts, for example.</p> <p>18      MR. SCHULTZ: I will look into that.</p> <p>19      BY MS. ALBERT:</p> <p>20      Q    Could you turn to page 220, please.</p> <p>21      <b>A    Sure. Okay.</b></p> <p>22      Q    Answer number 314 relates to the</p>	<p>354</p> <p>1       services with respect to customers who license the</p> <p>2       Procurement applications of the S3 product suite?</p> <p>3       <b>A    Yes.</b></p> <p>4       Q    Can you turn to page 248, please.</p> <p>5       <b>A    Okay.</b></p> <p>6       Q    Answer number 357 relates to conversion</p> <p>7       data import. Will Lawson perform conversion and</p> <p>8       data import services in connection with</p> <p>9       implementations of the Procurement applications of</p> <p>10      the S3 Supply Chain Management product suite?</p> <p>11      <b>A    Yes.</b></p> <p>12      Q    That's all for that document.</p> <p>13      MS. ALBERT: Let me have the reporter</p> <p>14      mark as Christopherson Exhibit 31 a copy of a</p> <p>15      document entitled "Lawson's Response to Request for</p> <p>16      Proposal Number 08-09." And -- well, this is a</p> <p>17      compilation exhibit, because some of the portions</p> <p>18      of this are native files. So I'm not going to read</p> <p>19      all of the Bates numbers into the record.</p> <p>20      MR. SCHULTZ: What do you mean, it's a</p> <p>21      compilation exhibit?</p> <p>22      MS. ALBERT: There were attachments to</p>	<p>356</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 the RFP that were native files.</p> <p>2 MR. SCHULTZ: Okay. That's fine.</p> <p>3 (Christopherson Exhibit 31 was marked for</p> <p>4 identification and attached to the deposition</p> <p>5 transcript.)</p> <p>6 THE WITNESS: Okay.</p> <p>7 BY MS. ALBERT:</p> <p>8 Q Can you identify this document?</p> <p>9 A I can read what it says.</p> <p>10 Q Have you ever seen it before?</p> <p>11 A No, I've not.</p> <p>12 Q Does it appear to be a copy of Lawson's</p> <p>13 response to a request for proposal submitted to</p> <p>14 Cherry Creek Schools?</p> <p>15 A Yes.</p> <p>16 Q Have you ever seen any of Lawson's</p> <p>17 responses to RFPs before?</p> <p>18 A Yes.</p> <p>19 Q Does this appear to be a standard type of</p> <p>20 response to RFP?</p> <p>21 A Sometimes you're not allowed to -- the</p> <p>22 particular vendor may -- not the vendor, but the</p>	<p>357</p> <p>1 with the preparation of this response to RFP?</p> <p>2 A Yes.</p> <p>3 Q Where are responses to requests for</p> <p>4 proposal maintained?</p> <p>5 A The sales organization would have that.</p> <p>6 Q Is there a centralized repository for</p> <p>7 those?</p> <p>8 A I do not know if there is or not.</p> <p>9 Q Who would you ask to find out the answer</p> <p>10 to that question?</p> <p>11 A Go to the sales support team. Clearly</p> <p>12 Brian is an individual, I know I also could ask him</p> <p>13 too.</p> <p>14 Q If you had to find all of the contracts</p> <p>15 that were in effect that had relevance to the</p> <p>16 Procurement applications for the S3 Supply Chain</p> <p>17 Management product suite, how would you go about</p> <p>18 locating those?</p> <p>19 A I would go to the WebNow system, as I</p> <p>20 discussed yesterday.</p> <p>21 MS. ALBERT: The WebNow system, we would</p> <p>22 request that a search be conducted of the WebNow</p>	<p>359</p>
<p>1 customer may have certain formats and stuff. So it</p> <p>2 can vary and stuff. But I don't see anything that</p> <p>3 suggests it's not a response from Lawson.</p> <p>4 Q Is this a standard type of document</p> <p>5 that's prepared and maintained in the ordinary</p> <p>6 course of Lawson's business?</p> <p>7 A Yes.</p> <p>8 Q Do you know who authored this particular</p> <p>9 response to the RFP?</p> <p>10 A I do not.</p> <p>11 Q If you look on the page with the Bates</p> <p>12 number ending 9168, do you see at the bottom there,</p> <p>13 there's a Lawson Software authorized signature, and</p> <p>14 it indicates Brian Murphy, VP government and</p> <p>15 education?</p> <p>16 A I see that.</p> <p>17 Q And then to the right of that there's</p> <p>18 Lawson Software primary engagement contact, Matt</p> <p>19 Denning, account executive, do you see that?</p> <p>20 A I do.</p> <p>21 Q Would that help to indicate that those</p> <p>22 individuals had some responsibilities in connection</p>	<p>358</p> <p>1 system for all such contracts.</p> <p>2 MR. SCHULTZ: You have all of the</p> <p>3 contracts.</p> <p>4 MS. ALBERT: Okay.</p> <p>5 MR. SCHULTZ: I should clarify that.</p> <p>6 You're getting all of them.</p> <p>7 MS. ALBERT: All right. Thank you.</p> <p>8 MR. SCHULTZ: It's an ongoing process, as</p> <p>9 you know.</p> <p>10 BY MS. ALBERT:</p> <p>11 Q Can you turn to the page with the Bates</p> <p>12 number LE 00429073.</p> <p>13 A Okay.</p> <p>14 Q Underneath the heading "Lawson</p> <p>15 Professional Services," the first sentence reads,</p> <p>16 "Lawson is pleased to present Lawson Professional</p> <p>17 Services as the prime implementation vendor." For</p> <p>18 how many contracts relating to the Procurement</p> <p>19 applications of the Supply Chain Management suite</p> <p>20 is Lawson the prime implementation vendor?</p> <p>21 A I do not know that.</p> <p>22 Q Who would know the answer to that?</p>	<p>360</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       A You would have to review the contracts to 2       see. 3       Q You don't have any kind of information, 4       just -- strike that. Do you have any kind of sense 5       of whether it's greater than 50 percent of such 6       contracts? 7       A I do not. 8       Q Do you know how many total 9       implementations relating to Procurement 10      applications in the Supply Chain Management product 11      suite Lawson has performed in the past six years? 12      A I do not. 13      Q Who would know the answer to that? 14      A I would go to either the services 15      organization or look at the contracts based on that 16      date range. 17      Q So did you contact any people in the 18      sales organization in order to educate yourself to 19      testify relating to the implementation topic for 20      which you were designated by Lawson to testify on 21      its behalf? 22      A In sales organization, no.</p>	361	<p>1       typical timeline for the solution. Each customer 2       is unique. 3       Q So on page 4 of Exhibit 31, it indicates 4       under "Proposed timeline" that this proposal 5       provides for a 17-month implementation for this 6       particular project. Is that within the range of a 7       typical implementation time, or do you think that's 8       a greater amount of time or a lesser amount of 9       time? 10      A Greater amount of time or lesser amount 11      of time for what? 12      Q For implementation of procurement aspects 13      of the Supply Chain Management suite. 14      A Couldn't tell you. This document so far, 15      from what we reviewed, hasn't identified what 16      products. 17      Q If you look on that same sentence I was 18      just referring to, it refers to the implementation 19      of Lawson's Financial Procurement, Human Capital 20      Management, and Work Order products. 21      A Mm-hmm. Into the next area, yes. 22      Q Does that assist you in identifying some</p>	363
<p>1       Q Can you go to pages 3 through 4 of the 2       proposal, and those are on the pages with the Bates 3       numbers ending 9175 through 9176. 4       A Okay. 5       Q Underneath the heading "Project 6       Definition and Scope," at the bottom of page 3, 7       bridging over to page 4, there are different tasks 8       relating to the implementation of this project, 9       pre-implementation planning, hardware installation, 10      software installation, technical training for 11      school staff, conversion assistance, interface 12      development, train the trainer training, end user 13      training, live support, and post live support. 14      Will Lawson provide all of these types of 15      implementation services as part of an 16      implementation project? 17      A They could. 18      Q What's the typical timeline for 19      implementation of a full Procurement solution in 20      connection with the S3 Supply Chain Management 21      Procurement applications? 22      A There's not a typical solution or a</p>	362	<p>1       of the products that are involved in this 2       implementation? 3       A That's three of the large suites of 4GL. 4       So that's an awful lot of conversion. 5       Q So do you think that's a -- the 17-month 6       implementation timeline is a longer one than is 7       typical? 8       A Again, it depends on the size of the 9       customer, the customer's requirements. For three 10      product suites with a customer this size, that's 11      not untypical. 12      Q How is -- do you know how implementation 13      services are priced? Is it a per day consulting 14      fee? 15      A It again depends on the specific 16      contract. 17      Q So what are the types of charges that 18      could be applicable, how do they vary? 19      A It could be a daily charge. If it's 20      going to be someone there for a long time, they may 21      break that down in more of a monthly or weekly 22      charge. It may be a fixed bid, a fixed price for</p>	364

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 the entire job also.</p> <p>2 Q Can you turn to page 42 of the document.</p> <p>3 It has the Bates number ending with 9214.</p> <p>4 A Okay.</p> <p>5 Q This section of the response to the RFP</p> <p>6 is "Responses to Functional/Technical</p> <p>7 Requirements." Is it typical to have in a response</p> <p>8 to an RFP responses to functional and technical</p> <p>9 requirements type questions from the prospective</p> <p>10 customer?</p> <p>11 A Typically, yes.</p> <p>12 Q And if you'll just look on this page,</p> <p>13 there's codes for helping identify -- it's the</p> <p>14 answer key to be used in connection with the</p> <p>15 answers that follow. I just want to give you a</p> <p>16 frame of reference there.</p> <p>17 A Okay.</p> <p>18 Q Can you turn to page ending with the</p> <p>19 Bates number ending 9345. And this section of the</p> <p>20 functional technical responses relates to the</p> <p>21 functional category of purchasing. Do you see</p> <p>22 that?</p>	<p>365</p> <p>1 ability to automatically convert a requisition to a</p> <p>2 purchase order out of the box; is that correct?</p> <p>3 A That is correct.</p> <p>4 Q Can you turn to the next page, with the</p> <p>5 Bates number ending 9348.</p> <p>6 A Okay.</p> <p>7 Q Do you see the question PO 4.200 on that</p> <p>8 page?</p> <p>9 A Yes.</p> <p>10 Q And there Cherry Creek asked about the</p> <p>11 ability to search vendor files from within</p> <p>12 purchasing processes, i.e. Requisition and Purchase</p> <p>13 Order. Lawson responded to Cherry Creek that its</p> <p>14 product had the ability to search vendor files from</p> <p>15 within these purchasing processes out of the box,</p> <p>16 correct?</p> <p>17 A That is correct, they do.</p> <p>18 Q Can you turn to the page with the Bates</p> <p>19 number ending 9351.</p> <p>20 A 351?</p> <p>21 Q Right.</p> <p>22 A Okay.</p>	<p>367</p>
<p>1 A Yes. Mm-hmm.</p> <p>2 Q So can you turn to the next page, sorry.</p> <p>3 A Okay.</p> <p>4 Q There's a question number PO 9.02, asking</p> <p>5 about commodities and a commodity coding structure,</p> <p>6 do you see that?</p> <p>7 A That's correct. Yes, I do.</p> <p>8 Q And Lawson responds to Cherry Creek that</p> <p>9 its PO product has commodities and commodity coding</p> <p>10 structures out of the box; is that correct?</p> <p>11 A That's correct.</p> <p>12 Q Can you turn to the next page with the</p> <p>13 Bates number ending 9347.</p> <p>14 A Okay.</p> <p>15 Q Do you see the question PO 27.00 on that</p> <p>16 page?</p> <p>17 A I do.</p> <p>18 Q And Cherry Creek asked about the</p> <p>19 capability of Lawson's product to automatically</p> <p>20 convert a requisition to a purchase order and</p> <p>21 cross-reference one to the other. And Lawson</p> <p>22 responded to Cherry Creek that its product had the</p>	<p>366</p> <p>1 Q On that page there's the question PO</p> <p>2 73.00, do you see that?</p> <p>3 A I do.</p> <p>4 Q There Cherry Creek asked about the</p> <p>5 ability of the product to convert lines of</p> <p>6 requisitions to multiple purchase orders and/or</p> <p>7 different vendors. Do you see that?</p> <p>8 A I do.</p> <p>9 Q And Lawson responded to Cherry Creek's</p> <p>10 question that its product had that ability to</p> <p>11 convert lines of requisitions to multiple purchase</p> <p>12 orders and/or different vendors out of the box,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q Can you turn to the page with the Bates</p> <p>16 number ending 358.</p> <p>17 A Okay.</p> <p>18 Q Do you see question number PO 161.00 on</p> <p>19 that page?</p> <p>20 A I do.</p> <p>21 Q Cherry Creek asked about the ability to</p> <p>22 generate various catalogs including vendor</p>	<p>368</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 catalogs, stockroom catalogs, textbook catalogs, or 2 food service catalogs in print and online. How 3 does -- and Lawson responded that the product had 4 this capability out of the box, correct?</p> <p>5 A Lawson did provide that response, yes.</p> <p>6 Q How does the product do that? How does 7 it perform that functionality?</p> <p>8 A Me reading that one, that would be one 9 that I would be asking the sales team what did they 10 mean by that response.</p> <p>11 Q And who would you ask on the sales team?</p> <p>12 A I would be asking, going back to the 13 front cover letter, the gentleman that was listed 14 on the right hand side, not Brian Murphy but the 15 other gentleman.</p> <p>16 Q Can you turn to the page with the Bates 17 number ending 376.</p> <p>18 A Okay.</p> <p>19 Q There are a number of questions there 20 relating to the Inventory module. And Cherry Creek 21 asked about the ability to maintain and track 22 particular types of information for inventory items</p>	<p>1 A I don't recall offhand if that number is 2 30 or 20 characters.</p> <p>3 Q And then the other responses are 4 accurate?</p> <p>5 A The other ones, there's a few that -- 6 that I would have to then go back to someone such 7 as Jill Richardson to ask if those are in fact 8 covered in the application. But that first one 9 that I mentioned I definitely know is not 10 unlimited.</p> <p>11 Q For the other ones, I mean, Lawson 12 doesn't intend to mislead its prospective customers 13 about the capability of its products, does it?</p> <p>14 A That's correct.</p> <p>15 Q And these responses to RFPs are vetted, 16 as you indicated earlier, by a number of different 17 personnel, correct?</p> <p>18 A Correct. Mm-hmm.</p> <p>19 Q For what percentage of customers 20 licensing the Procurement applications within the 21 S3 Supply Chain Management suite does Lawson 22 provide ongoing maintenance and support?</p>	<p>371</p>
<p>1 including item description short, manufacturers, 2 brand/model/part number, long text description, 3 vendor number, you know, and a full list there 4 through question 9.29.</p> <p>5 And Lawson responded that all of those -- 6 that the Inventory Control module does have the 7 ability to maintain and track all of that 8 information about an item out of the box, correct?</p> <p>9 A They did indicate that, yes.</p> <p>10 Q Do you have any reason to doubt the 11 accuracy of that response?</p> <p>12 A I would have to review these.</p> <p>13 Q Go ahead and review them.</p> <p>14 A Okay. I've reviewed them. There's at 15 least one that I would immediately question.</p> <p>16 Q Which one is that?</p> <p>17 A Response number INV 9.03. The long text 18 description, keyword being unlimited text.</p> <p>19 Q Is there a limit on the number of 20 characters in the long text description field?</p> <p>21 A Yes, there is.</p> <p>22 Q What's that limit?</p>	<p>370</p> <p>1 A Could you re-ask that question again?</p> <p>2 Q For what percentage of customers 3 licensing the Procurement applications within the 4 S3 Supply Chain Management suite does Lawson 5 provide ongoing maintenance and support?</p> <p>6 A All existing customers today are under 7 maintenance.</p> <p>8 Q So 100 percent; is that correct?</p> <p>9 A No, that's not correct. For existing 10 customers. A customer may have since moved on to a 11 different system some time ago, an older customer.</p> <p>12 Clearly then they're no longer under maintenance.</p> <p>13 Q Could you turn to the page with the Bates 14 number LE 00597098. It's one of the attachments to 15 the main document. It should be a small document, 16 about six pages.</p> <p>17 A Unfortunately everything is loose except 18 for the last one.</p> <p>19 Q I think it's before that.</p> <p>20 A Just before?</p> <p>21 Q There's a staple, some stapled pages on 22 the part you already flipped over.</p>	<p>372</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

1 A Oh, sure enough, there are. Okay. 2 Q Do you see -- 3 A Okay. Which -- 4 Q There's a document entitled "Lawson 5 Software customer agreement master terms and 6 conditions," bearing Bates number LE 0059708 -- or 7 7098 through 103. 8 A Yes, I do. 9 Q Do you know if this is the standard terms 10 and conditions applicable to licensing Lawson 11 Software? 12 A It does appear to have a lot of the 13 normal language that we have in their terms and 14 conditions. There clearly -- and since this one 15 isn't a signed one, and looks like if it was in 16 fact attached as the proposal, as you suggested 17 earlier, this is a representative of then what the 18 master terms and conditions would be, then it 19 should be a standard one at that particular time of 20 this proposal. 21 Q So does Lawson use a master terms and 22 conditions that is applicable across the board to	373 1 And as a result there's proposed language marking 2 the specific paragraphs in the prior document we 3 discussed, as far as how those would be changed or 4 deleted, modified. 5 Q So this is just tailored specifically to 6 what Cherry Creek was requesting? 7 A Correct, yes. 8 Q Thank you. I think I'm done with that 9 exhibit. 10 MS. ALBERT: Could we take a brief couple 11 of minute break? 12 MR. SCHULTZ: Yes. 13 THE VIDEOGRAPHER: We're going off the 14 record. The time is 10:22 a.m. 15 (Recess.) 16 THE VIDEOGRAPHER: We're now back on the 17 record. The time is 10:34 a.m. 18 BY MS. ALBERT: 19 Q Mr. Christopherson, I'm going to shift 20 gears here a little bit. In what language is the 21 S3 Supply Chain Management source code written? 22 A Which product?	375
374 1 all of its software, or are there varying master 2 terms and conditions by application or product 3 line? 4 A The exceptions would be for different 5 countries. There may be some uniqueness. But 6 within North America or within the United States 7 specifically, this would be the one I would expect 8 to see at that time. 9 Q Can you turn to the next attachment after 10 that software customer agreement. There's one -- 11 A Is that the addendum? 12 Q Yes, addendum to customer agreement, 13 master terms and conditions, bearing Bates number 14 LE 00597091 through 96. 15 A Okay. 16 Q What is that document? 17 A It's the addendum to the customer 18 agreement master terms and conditions, where it 19 appears probably during negotiation. If we in fact 20 won this deal. Or perhaps as part of the 21 requirements, they had certain requirements that 22 they may want within the terms of the agreement.	376 1 Q Are there different languages for 2 different products? 3 A Yes, there are. 4 Q What's the language that the source code 5 for the Purchase Order module is written in? 6 A That's Lawson Fourth Generation Language. 7 Q What is the Fourth Generation Language? 8 A I'm not sure what your question is. 9 Q Is it Java? Is it, you know, COBOL, is 10 it Assembler? 11 A It's Lawson's Fourth Generation Language, 12 proprietary to Lawson. 13 Q A proprietary language? 14 A Correct. 15 Q Okay. And what about the Requisitions 16 application, in what language is that application written? 17 A That is the same. 18 Q And the Requisitions Self-Service 19 application, in what language is that written? 20 A The Requisitions Self-Service, I know it 21 has some JavaScript in it. It may have some Java	376

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       <b>in it. And then some HTML.</b></p> <p>2       Q    In what language is the Procurement</p> <p>3       Punchout application written?</p> <p>4       <b>A    I'm pretty sure that's all in Java.</b></p> <p>5       Q    In what language is the Inventory Control</p> <p>6       application written?</p> <p>7       <b>A    Lawson Fourth Generation Language.</b></p> <p>8       Q    In what language is the EDI application</p> <p>9       written?</p> <p>10      <b>A    That one, I'm not sure if that's in</b></p> <p>11      <b>either C or Java.</b></p> <p>12      Q    Do you know in what language the source</p> <p>13      code for the e-Procurement application of the M3</p> <p>14      product line is written?</p> <p>15      <b>A    No, I do not.</b></p> <p>16      Q    Who would know the answer to that?</p> <p>17      <b>A    Someone from M3 team.</b></p> <p>18      Q    Who is on the M3 team responsible for</p> <p>19      writing the source code?</p> <p>20      <b>A    It's an M3 development team.</b></p> <p>21      Q    Do you know anyone who is on that M3</p> <p>22      development team?</p>	<p>377</p> <p>1       MR. SCHULTZ: I will follow up on that.</p> <p>2       My understanding was it was produced.</p> <p>3       MS. ALBERT: Well, I'm looking for some</p> <p>4       particular applications, and they're nowhere to be</p> <p>5       found in what we have. And I couldn't find</p> <p>6       anything that indicates that it's associated with</p> <p>7       M3 in the source code that we have.</p> <p>8       BY MS. ALBERT:</p> <p>9       Q    Did you produce the database schema for</p> <p>10      the Item Master associated with the Inventory</p> <p>11      Control master? Or Inventory Control module, I'm</p> <p>12      sorry.</p> <p>13      <b>A    The Inventory Control module, that can</b></p> <p>14      <b>all be derived first from the source code.</b></p> <p>15      Q    Yes, I was asking if you produced that in</p> <p>16      the source code that was produced.</p> <p>17      <b>A    That should be in with the source code.</b></p> <p>18      Q    What particular file or utility should I</p> <p>19      search for to locate that?</p> <p>20      <b>A    The schema can be derived from the WS</b></p> <p>21      <b>file, which is also known as working storage.</b></p> <p>22      Q    From which particular working storage</p>	<p>379</p>
<p>1       <b>A    I know two of the vice presidents on that</b></p> <p>2       <b>team.</b></p> <p>3       Q    Who are those persons?</p> <p>4       <b>A    Erik Svensen and Peter Cornelius.</b></p> <p>5       Q    Where are they located?</p> <p>6       <b>A    In Sweden.</b></p> <p>7       Q    Is there any Assembler code included in</p> <p>8       the Procurement applications of the S3 Supply Chain</p> <p>9       Management suite?</p> <p>10      <b>A    None that I'm aware of.</b></p> <p>11      Q    I found some Assembler code, so I just</p> <p>12      didn't know what it related to. Was the source</p> <p>13      code for the relevant M3 applications produced?</p> <p>14      <b>A    For the relevant M3 applications?</b></p> <p>15      Q    Correct.</p> <p>16      <b>A    I do not know if it was or not.</b></p> <p>17      MS. ALBERT: I haven't located any of it,</p> <p>18      so I request that counsel produce it.</p> <p>19      MR. SCHULTZ: You haven't located the M3</p> <p>20      source code?</p> <p>21      MS. ALBERT: It's not included in what we</p> <p>22      have.</p>	<p>378</p> <p>1       file can that be derived?</p> <p>2       <b>A    From within IC, and I don't recall the</b></p> <p>3       <b>specific program. It might be IC10, IC20,</b></p> <p>4       <b>something of that nature, one of the earlier ones.</b></p> <p>5       Q    And what about, from where can I derive</p> <p>6       the database schema for the Vendor Master included</p> <p>7       in the Inventory Control application?</p> <p>8       <b>A    Same place.</b></p> <p>9       MS. ALBERT: Let me have the reporter</p> <p>10      mark as Christopherson Exhibit 32 a compilation of</p> <p>11      files related to the program PO536. And these are</p> <p>12      native files, so there are no Bates numbers.</p> <p>13      (Christopherson Exhibit 32 was marked for</p> <p>14      identification and attached to the deposition</p> <p>15      transcript.)</p> <p>16      BY MS. ALBERT:</p> <p>17      Q    Within this Exhibit 32, I first want to</p> <p>18      refer to the part that is clipped together with the</p> <p>19      small binder clip.</p> <p>20      <b>A    They were both small binder clips.</b></p> <p>21      Q    Well, not the one that was enclosing the</p> <p>22      entire exhibit, but the one within the exhibit.</p>	<p>380</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       A Okay.</p> <p>2       Q Do you see on the top of the first page, 3       there's a heading, "PO536PD 10.1.5"?</p> <p>4       A Yes.</p> <p>5       Q What is the function of the PD part of 6       the code associated with PO536?</p> <p>7       A Where the main logic and compilations of 8       the program actually occur.</p> <p>9       Q Is there any kind of meaning of the 10      acronym PD?</p> <p>11      A Because Lawson 4GL, when it finally gets 12      to a compiler, it goes through a series of programs 13      within the Lawson System Foundation that 14      converts 4GL into eventually COBOL program.</p> <p>15      Within the COBOL program there's different 16      divisions. One of the divisions is called a 17      procedure division, as I described yesterday. And 18      that's what PD is abbreviated to.</p> <p>19      Q It stands for procedures division?</p> <p>20      A We don't refer to it as procedures 21      division, because we don't talk about COBOL. We 22      talk about Lawson 4GL.</p>	<p>381</p> <p>1       A These are other components of the program 2       that -- so they're files within the Lawson 3       4GL system for the PO536 program.</p> <p>4       Q So I've included here PO536PD, PO536WS, 5       and then there are some other things, PO536.MNU1, 6       PO536.MSGTIN, PO536_Error1.WRK1, 7       PO536_Import.WRK7, PO536_Sort2.WRK2, and 8       PO536_Sort.WRK7.</p> <p>9       Are there any other times or components 10      associated with PO536 that are not included within 11      this exhibit?</p> <p>12      A I do not know.</p> <p>13      Q Who has responsibilities for maintaining 14      or updating the PO536 program?</p> <p>15      A My team does.</p> <p>16      Q Is there a particular person within your 17      team?</p> <p>18      A No, there's not.</p> <p>19      Q Anyone from your whole team could work on 20      this program?</p> <p>21      A Not anyone. There's a few people that 22      wouldn't work on it. But the majority of my Supply</p> <p>383</p>
<p>1       Q Do you see on the first page there's a 2       comment line number 1, read input file and update 3       vendor agreement line file?</p> <p>4       A Yes.</p> <p>5       Q Where is the input file coming from?</p> <p>6       A The customer would provide that.</p> <p>7       Q Is there any place where the data is 8       stored that this program uses?</p> <p>9       A Which data?</p> <p>10      Q The input file referenced there.</p> <p>11      A The input file is read, and then my 12      understanding of the 536 program, there are several 13      phases that you go through, because you don't 14      commit the load right into the system. You check 15      for errors and things in some of the earlier 16      phases. But if it gets all the way through, then 17      yes, it's read and input into the Vendor and Item 18      Master files.</p> <p>19      Q Now, within Exhibit 32, I've included 20      some other -- I don't know, would you refer to 21      these separate parts as files or utilities? How 22      would you refer to these?</p>	<p>382</p> <p>1       Chain team would.</p> <p>2       Q What's the function of the WS part of the 3       program?</p> <p>4       A The WS, again, going back to -- was the 5       program -- or as the files come together, that 6       particular file is used to establish the working 7       storage division within the COBOL program.</p> <p>8       Q What's the function of a working storage 9       division?</p> <p>10      A It defines the variables and the size of 11      the variables that will be used within the 12      procedure division.</p> <p>13      Q If you look on the first page of PO536PD, 14      towards the bottom of that page, I guess it's three 15      lines up from the bottom, there's a statement, 16      "Initialize ICITEUWRWS." Can you tell me what 17      that's a reference to, what procedure or program?</p> <p>18      A That's another working storage area.</p> <p>19      Q Is there a program that that working 20      storage area is associated with?</p> <p>21      A Clearly that working storage section is 22      at least part of this procedures division.</p> <p>384</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 Q Is there a particular --</p> <p>2 A So it's related obviously to PO536.</p> <p>3 Q Is there a particular functionality</p> <p>4 performed by ICITEUWR?</p> <p>5 A The key is that it's WS at the end, so</p> <p>6 that's working -- it's initializing, zeroing out</p> <p>7 any of the variables that are going to be used by</p> <p>8 that program, so that you're assured that there is</p> <p>9 nothing by chance sitting on the computer memory in</p> <p>10 those areas. So it's going to set them to the</p> <p>11 default starting values.</p> <p>12 Q Thank you. Can you turn to the fifth and</p> <p>13 sixth pages of PO536PD.</p> <p>14 A Fifth and sixth?</p> <p>15 Q Right.</p> <p>16 A Okay.</p> <p>17 Q At the bottom of the fifth page there's a</p> <p>18 comment reading, "Missing info needed to create</p> <p>19 vendor agreement." And then continuing on to the</p> <p>20 next page, there are a number of if/and statements,</p> <p>21 "if" and "and" statements, do you see that?</p> <p>22 A I see numerous "if" statements. Then</p>	<p>385</p> <p>1 A Just for clarity, is that the one that</p> <p>2 about one third down has 072 added so we get into</p> <p>3 the UN codes?</p> <p>4 Q Correct. That's the section I was going</p> <p>5 to refer you to, that talked about "Edit</p> <p>6 UNSPSC-PARMS." Can you tell me, following that,</p> <p>7 with the various if/and statements, what function</p> <p>8 is being performed by the program there?</p> <p>9 A It's determining if there's values in the</p> <p>10 file that -- if they contain the UNSPSC for the</p> <p>11 different segments, families, and classes, as it</p> <p>12 reads through an item, as it's coming through.</p> <p>13 Q Can you turn to the next page, which is I</p> <p>14 think page 9 of PO536PD.</p> <p>15 A Mm-hmm.</p> <p>16 Q Underneath line 74 relating to</p> <p>17 "Edit-User-PARMS," can you tell me what function is</p> <p>18 being performed by the if/and and if/or statements</p> <p>19 following that?</p> <p>20 A It's essentially setting the user defined</p> <p>21 fields for particular items. And when it's setting</p> <p>22 them, it's setting them to the appropriate value,</p>	<p>386</p>	<p>388</p>
<p>1 there are some "and" statements at the very bottom.</p> <p>2 Q Right.</p> <p>3 A Okay.</p> <p>4 Q Can you tell me what's being done in this</p> <p>5 part of the program?</p> <p>6 A Essentially they're setting values into</p> <p>7 the working storage area, depending on specific</p> <p>8 logic that essentially flags based on the setup of</p> <p>9 the program or setup within the Purchase</p> <p>10 Order -- actually in this case -- yes, Purchase</p> <p>11 Order system.</p> <p>12 Q Are these the -- are they setting the</p> <p>13 values or attributes for each item that is going to</p> <p>14 be input into the Item Master pursuant to a vendor</p> <p>15 agreement?</p> <p>16 A They're setting up some of the fields,</p> <p>17 but not all of the fields. Because the if/and on</p> <p>18 page 6 only covers two particular fields.</p> <p>19 Q Does it continue over to the seventh</p> <p>20 page?</p> <p>21 A And adds two additional fields.</p> <p>22 Q Can you turn to page 8 of PO536PD.</p>	<p>1 whether it be zeros if it's a numeric field or</p> <p>2 spaces if it's an alpha field.</p> <p>3 Q Can you turn to page 15 of PO536PD.</p> <p>4 A It's 15, just so we're clear, has the one</p> <p>5 towards the bottom, bottom quarter, "1220 Load Work</p> <p>6 Record"?</p> <p>7 Q Correct.</p> <p>8 A Okay.</p> <p>9 Q And underneath that line that you</p> <p>10 referred to, about three lines down, there's a</p> <p>11 statement, "Perform 800-Read CSV-Import." And then</p> <p>12 following that, it continues over to the next page</p> <p>13 with a number of move statements. Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Can you tell me what is being done in</p> <p>16 that portion of the program?</p> <p>17 A What's happening at that particular point</p> <p>18 is that we're moving the values as read from the</p> <p>19 CSV file, then over to the working storage file --</p> <p>20 or not working storage file, but working storage</p> <p>21 memory position in the computer.</p> <p>22 Q So those would be -- the CSV file is what</p>	<p>386</p>	<p>388</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 the supplier would send with the item information,</p> <p>2 the price information, the item description, and</p> <p>3 that sort of thing?</p> <p>4 A CSV file could come from anywhere.</p> <p>5 Q But for example, when we were talking</p> <p>6 about the vendor price agreement load, typically</p> <p>7 the CSV file would come from the vendor?</p> <p>8 A Typically.</p> <p>9 Q Can you turn to the portion of Exhibit 32</p> <p>10 labeled PO536_Import.WRK 7.</p> <p>11 A That was one of the other files, I</p> <p>12 assume?</p> <p>13 Q Right.</p> <p>14 A Okay.</p> <p>15 Q Are you there?</p> <p>16 A I am.</p> <p>17 Q About four lines down from the top of the</p> <p>18 page there's a statement, "Key:PO536 Import." Do</p> <p>19 you see that?</p> <p>20 A I do.</p> <p>21 Q Can you tell me what this file relates</p> <p>22 to?</p>	<p>389</p> <p>1 BY MS. ALBERT:</p> <p>2 Q What is the function of the IC516</p> <p>3 program?</p> <p>4 A It's to load items into the Item Master</p> <p>5 from a CSV file.</p> <p>6 Q And what does the IC516PD file do versus</p> <p>7 the IC516WS file?</p> <p>8 A They're just two of the files that would</p> <p>9 make up the IC516 program.</p> <p>10 Q Should there be some other files</p> <p>11 associated with the IC516 program?</p> <p>12 A The attachment or the thing that you've</p> <p>13 given me, there's also the IC516 message file or</p> <p>14 MSG. There's the PGM file. And there's the</p> <p>15 items -- the item -- let's see. DE, and then CSV</p> <p>16 work file. So there are a few other that you've</p> <p>17 handed me.</p> <p>18 Q And would the CSV file that's loaded into</p> <p>19 the Item Master typically come from a vendor?</p> <p>20 A It is one of the places that it could.</p> <p>21 Keep in mind, earlier, we were talking about</p> <p>22 services earlier today, data conversion from legacy</p>	<p>391</p>
<p>1 A That's the import file structure.</p> <p>2 Q So is this the structure for the CSV file</p> <p>3 that would come from the vendor, for example?</p> <p>4 A This is the structure that -- the way</p> <p>5 PO536 would recognize the structure.</p> <p>6 Q And so do you know if Lawson provides</p> <p>7 these field structures to the vendors to facilitate</p> <p>8 the import of vendor price agreements into the Item</p> <p>9 Master?</p> <p>10 A The vendor wouldn't get this. This is</p> <p>11 the way the program recognizes the files. The</p> <p>12 vendor would get the file layouts such as we looked</p> <p>13 at yesterday.</p> <p>14 Q Okay. Thank you. We're done with that</p> <p>15 exhibit.</p> <p>16 MS. ALBERT: Can I have the reporter mark</p> <p>17 as Christopherson Exhibit 33 another compilation</p> <p>18 exhibit that relates to IC516.</p> <p>19 (Christopherson Exhibit 33 was marked for</p> <p>20 identification and attached to the deposition</p> <p>21 transcript.)</p> <p>22 THE WITNESS: Okay.</p>	<p>390</p> <p>1 systems. So this would be one of the load programs</p> <p>2 that would be standard, because typically we're not</p> <p>3 installing Lawson into a brand-new business; it's a</p> <p>4 business that's been there. They need to take</p> <p>5 their data out of a system and load it in.</p> <p>6 So they've already got items in their</p> <p>7 Item Master today. This is a way to load them. So</p> <p>8 it's more typical to see it used for that purpose.</p> <p>9 Q Thank you.</p> <p>10 MS. ALBERT: Let me have the reporter</p> <p>11 mark as Christopherson Exhibit 34 a compilation of</p> <p>12 files related to IC11.</p> <p>13 (Christopherson Exhibit 34 was marked for</p> <p>14 identification and attached to the deposition</p> <p>15 transcript.)</p> <p>16 BY MS. ALBERT:</p> <p>17 Q What's the purpose of the IC11 program?</p> <p>18 A I do not know specifically what it is to</p> <p>19 do.</p> <p>20 Q Is the IC11 program used for the UNSPSC</p> <p>21 commodity code load function?</p> <p>22 A If we looked at the Inventory Control</p>	<p>392</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 manual user guide, that would tell us. With the  2 sheer number of programs that I'm responsible for,  3 I don't recall every one. Looking at working  4 storage, it does not appear to be.</p> <p>5 Q What does it appear to be?</p> <p>6 A I do not know. But I don't see anything  7 that we're talking about, the commodity codes and  8 stuff within the working storage. And that  9 sets the variables that would be used within the  10 program.</p> <p>11 Q Do you know if this is another program  12 associated with loading particular attributes of  13 items into fields of the Item Master database?</p> <p>14 A Again, I don't know what the program is.  15 I've been able to identify what it's not in the one  16 case.</p> <p>17 Q All right. Thank you.</p> <p>18 MS. ALBERT: Let me have the reporter  19 mark as Christopherson Exhibit Number 35 another  20 compilation exhibit relating to the program IC00.</p> <p>21 (Christopherson Exhibit 35 was marked for  22 identification and attached to the deposition</p>	393	<p>1 you can reference me to that might start the  2 keyword setup?</p> <p>3 A Looking through it here quickly, and --  4 yes, 26900 appears to be the beginning of that.</p> <p>5 Q Line 26900?</p> <p>6 A Yes. And that appears to be the fourth  7 page from the back of the PD. It's section 5000,  8 "Create Keyword Setup," abbreviated "keyword."</p> <p>9 Q "KWD"?</p> <p>10 A Yes.</p> <p>11 Q Right.</p> <p>12 A I should mention, now that I've had a  13 chance to look at this, obviously this one I've  14 looked at in a little more detail, there's one file  15 for a program such as this where it's an online  16 file as opposed to an import that you do not have,  17 and that is the actual screen file that you've not  18 given me. I would have first looked at that, and  19 that would have helped identify where this is.</p> <p>20 Q What would be the header for a screen  21 file?</p> <p>22 A SCR is one possible. It would be a .SCR</p>	395
<p>1 transcript.)</p> <p>2 BY MS. ALBERT:</p> <p>3 Q Do you know what the program IC00 relates  4 to, what functionality?</p> <p>5 A Other than it being one of the programs  6 inside of Inventory Control, I don't recall  7 offhand.</p> <p>8 Q In the Inventory Control manual, I had  9 identified that program IC00.5 is supposed to be  10 the program for the keyword setup code. Would  11 IC00.5 be included within IC00?</p> <p>12 A Yes.</p> <p>13 Q How could I find it within this program?</p> <p>14 A And now that you've refreshed my memory  15 on that particular part, the IC00 is all or most of  16 the setup program. It's the setup program for IC,  17 Inventory Control.</p> <p>18 Q So where can I find the portion of that  19 setup program that relates to the keyword setup?</p> <p>20 A The key for -- it would be inside of the  21 PD file.</p> <p>22 Q Okay. Is there a particular line that</p>	394	<p>1 extension.</p> <p>2 Q So I would look for IC00.SCR?</p> <p>3 A Yes.</p> <p>4 Q And how would that assist me in locating  5 the keyword setup code?</p> <p>6 A That defines -- the first thing it does  7 is it defines the screen layout. And the key that  8 you had mentioned before is that you were on  9 IC00.5, which would be the fifth tab. You can look  10 and see what the fifth tab is, and within that one  11 being executed, that would have helped us identify  12 that we were looking for the 5000 section.</p> <p>13 Q Thank you.</p> <p>14 MS. ALBERT: Let me have the reporter  15 mark as Christopherson Exhibit 36 a compilation  16 exhibit relating to IC800.</p> <p>17 (Christopherson Exhibit 36 was marked for  18 identification and attached to the deposition  19 transcript.)</p> <p>20 BY MS. ALBERT:</p> <p>21 Q Do you know what the IC800 program is  22 used for?</p>	396

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       <b>A</b> I do not.</p> <p>2       Q Would it be related to the keyword search</p> <p>3       load?</p> <p>4       <b>A</b> I do not know.</p> <p>5       Q If you look at the top of the first page,</p> <p>6       with respect to the comments there under IC800PD,</p> <p>7       it says at line 1200, "Spins through all itemmast,</p> <p>8       itemsku, itemupc, itemupn1, itemupn2 and itemndc</p> <p>9       for the Search Group (item group) past in it will</p> <p>10      then call the Keyword Based Search object for all</p> <p>11      ICK-Kwd-Origin fields used."</p> <p>12      Does that assist you in determining the</p> <p>13      functionality for IC800?</p> <p>14      <b>A</b> No.</p> <p>15      Q Who would know the functionality of</p> <p>16      IC800?</p> <p>17      <b>A</b> I would talk -- again, members of my</p> <p>18      Supply Chain team. Specifically I would probably</p> <p>19      start with Jill Richardson. It may be a program</p> <p>20      that she's not intimately familiar with either.</p> <p>21      And then she may have to go to one of the 4GL</p> <p>22      developers.</p>	<p>397</p> <p>1       Q Do you know what the functionality of</p> <p>2       that portion of the program is?</p> <p>3       <b>A</b> Again, as with all WS files, that simply</p> <p>4       sets the variables that will be used by the PD.</p> <p>5       And it establishes whether or not it's</p> <p>6       alphanumeric, the size of that respective variable.</p> <p>7       Q I think I'm done with that exhibit.</p> <p>8       MS. ALBERT: Let me have the reporter</p> <p>9       mark as Christopherson Exhibit 37 a compilation</p> <p>10      exhibit -- I don't know how to identify this. Part</p> <p>11      of it relates to PunchoutSetupRequest.java.</p> <p>12      (Christopherson Exhibit 37 was marked for</p> <p>13      identification and attached to the deposition</p> <p>14      transcript.)</p> <p>15      BY MS. ALBERT:</p> <p>16      Q Can you identify for me the source code</p> <p>17      that's found in Exhibit 37?</p> <p>18      <b>A</b> I'm taking a look at it now. It's -- the</p> <p>19      files after the first particular one appear to be</p> <p>20      the source code that's associated with the Punchout</p> <p>21      servlet.</p> <p>22      Q And with respect to the first portion of</p>	<p>399</p>
<p>1       Q What are the variables itemmast, itemsku,</p> <p>2       itemupc, that we referenced up in those -- that</p> <p>3       comment line?</p> <p>4       <b>A</b> It's a comment, so those are not</p> <p>5       necessarily variable names.</p> <p>6       Q Do you know what they refer to?</p> <p>7       <b>A</b> They're referring -- the first one, I do</p> <p>8       not know exactly what they're referring to. The</p> <p>9       SKU, which would obviously be the SKU code for the</p> <p>10      item, the UPC in the second one, the UPN, UPN 2 and</p> <p>11      the NDC, so those would be the respective numbers</p> <p>12      for items.</p> <p>13      Q Do you know where the data related to</p> <p>14      those attributes of items would be stored? Would</p> <p>15      that information be in the Item Master?</p> <p>16      <b>A</b> Yes.</p> <p>17      Q And then if you look at the portion of</p> <p>18      Exhibit 36 that's the IC800WS.</p> <p>19      <b>A</b> Mm-hmm.</p> <p>20      Q It talks about loading the Item Master.</p> <p>21      Do you see that?</p> <p>22      <b>A</b> Yes, I do.</p>	<p>398</p> <p>1       the exhibit, would that be the Punchout</p> <p>2       configuration file?</p> <p>3       <b>A</b> That is a Punchout configuration file.</p> <p>4       This specific one appears to be the one that Dwight</p> <p>5       Delancy, who is the person who is normally testing</p> <p>6       with partners, would be using for his particular</p> <p>7       system.</p> <p>8       Q Are there other Punchout configuration</p> <p>9       files?</p> <p>10      <b>A</b> Yes. For every vendor that a customer</p> <p>11      would have set up, this file would be -- would have</p> <p>12      the appropriate setup items. So in this particular</p> <p>13      case, he's set up to be able to go to -- I haven't</p> <p>14      counted them, but it looks to be roughly close to a</p> <p>15      dozen, between eight and 12 different vendors on</p> <p>16      his test system.</p> <p>17      Q Do you know if the Punchout configuration</p> <p>18      file that comes standard with the product as</p> <p>19      shipped has these -- is configured for these</p> <p>20      vendors?</p> <p>21      <b>A</b> No, because the relationship exists</p> <p>22      between the customer and the vendor. So the</p>	<p>400</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

1 <b>configuration settings may not be the same. In</b> 2 <b>fact they shouldn't be the same.</b> 3       Q    What is the code that actually generates 4       the XML file that's sent in order to punch out to 5       vendors to begin a Punchout transaction? 6 <b>A    That would be the Punchout servlet.</b> 7       Q    And is that Punchout servlet contained in 8       Exhibit 37? 9 <b>A    Yes. I believe the majority of what</b> 10 <b>you're going to be looking for is probably in that</b> 11 <b>Punchout JS file, which is the next file. Dot JS.</b> 12      Q    What are the JavaScript files that are 13      associated with performing the Punchout 14      functionality? 15 <b>A    I do not know.</b> 16      Q    Who would know that? 17 <b>A    Dwight Delancy would.</b> 18      Q    What are the Java files that are 19      associated with performing Punchout functionality? 20 <b>A    Dwight would know that.</b> 21      Q    That's all I have for that exhibit. 22      MS. ALBERT: Let me have the reporter	401 1       Mr. Christopherson. We're going back on the 2       record. The time is 11:21 a.m. 3       BY MS. ALBERT: 4       Q    Mr. Christopherson, have you seen the 5       document that's been marked as Christopherson 6       Exhibit 38 prior to today? 7 <b>A    Yes, I have.</b> 8       Q    And did you assist counsel in preparing 9       some of the responses included in this document? 10 <b>A    I know I did review the responses. There</b> 11 <b>may have been one or two edits. I know I did on a</b> 12 <b>few of the different interrogatories. Whether or</b> 13 <b>not this one, I don't recall that.</b> 14      Q    Let me direct your attention to 15      interrogatory number 4. And that interrogatory 16      asked Lawson to "State in detail all facts and 17      contentions that support or refute Lawson's 18      allegations, if any, that any of the patents in 19      suit are invalid under 35 USC Sections 102 or 103, 20      identifying all prior patents, literature, 21      publications, systems, processes, or devices, 22      including prior knowledge, public uses, sales, and	403
402 1       mark as Christopherson Exhibit 38 a document 2       entitled "Defendant Lawson Software Inc.'s 3       Supplemental Responses to Plaintiff ePlus inc.'s 4       Interrogatory Numbers 4, 5, 6, 8, 10, 12, 14, 16, 5       and 17." 6       (Christopherson Exhibit 38 was marked for 7       identification and attached to the deposition 8       transcript.) 9       MS. ALBERT: I've been informed by the 10      videographer that we need to change the tape, so 11      let's just take a brief break before we get into 12      this document so he can change the tape. 13      MR. SCHULTZ: Do you want to just change 14      it and keep going? 15      MS. ALBERT: Sure. 16      THE VIDEOGRAPHER: This marks the end of 17      tape number 1 in the deposition of 18      Mr. Christopherson. We're going off the record. 19      The time is 11:19 a.m. 20      (Pause in the proceedings.) 21      THE VIDEOGRAPHER: This marks the 22      beginning of tape number 2 in the deposition of	402 1       offers for sale that Lawson contends either alone 2       or in combination invalidate one or more claims of 3       any of the patents in suit through a claim chart 4       that identifies each element of each claim of the 5       patents asserted to be invalid and explains where 6       each element of the respective claim is shown in 7       such prior patent literature, publications, system, 8       process, device, public use, sale or offer for 9       sale." 10      Do you recall assisting counsel in any 11      way with respect to the response to that particular 12      interrogatory? 13 <b>A    If you -- on that particular one, I don't</b> 14 <b>recall much participation on my side on that.</b> 15      Q    Do you see on page 2, under the initial 16      response to interrogatory number 4, that Lawson 17      responded that "The patents in suit are either 18      anticipated or rendered obvious by at least one or 19      more of the following prior art references and 20      systems"? And then the second line from the bottom 21      of the page, there's a reference to Lawson 22      Software. Do you see that?	404

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       <b>A</b> Yes, I do see that.</p> <p>2       Q Do you know which particular Lawson</p> <p>3       Software applications Lawson contends anticipate or</p> <p>4       render obvious any of the claims of the patents in</p> <p>5       suit?</p> <p>6       <b>A</b> I believe back in -- is that appendix A,</p> <p>7       that that then begins to go through each of the</p> <p>8       claims. And then Lawson Software is mentioned in</p> <p>9       some of those. Whether or not it mentions specific</p> <p>10      applications or specific programs, we would have to</p> <p>11      go back and look at that.</p> <p>12      Q Did you assist counsel in compiling the</p> <p>13      information in appendix A?</p> <p>14      <b>A</b> No, I did not.</p> <p>15      Q Do you know who compiled the information</p> <p>16      in appendix A?</p> <p>17      <b>A</b> No, I do not.</p> <p>18      Q And you testified yesterday that you were</p> <p>19      not employed by Lawson until -- I think you said</p> <p>20      1998; is that correct?</p> <p>21      <b>A</b> 1997.</p> <p>22      Q 1997. So you were not employed by Lawson</p>	<p>405</p> <p>1       the patents in suit including the Lawson software</p> <p>2       identified in Lawson's answer to ePlus's</p> <p>3       interrogatory number 4"; is that correct?</p> <p>4       <b>A</b> That's correct.</p> <p>5       Q What did you do to educate yourself to</p> <p>6       testify with respect to that topic?</p> <p>7       <b>A</b> On that particular part I sat down with</p> <p>8       Mr. Dooner, and we reviewed source code that we had</p> <p>9       for version 5 all with file dates that were 1993</p> <p>10      and prior.</p> <p>11      Q Was that source code produced to counsel</p> <p>12      for ePlus?</p> <p>13      <b>A</b> I know that it was on my legal hold drive</p> <p>14      for -- to go to ePlus. I know that our counsel</p> <p>15      asked me again about that on Wednesday of last</p> <p>16      week. I told them it was there. I also did</p> <p>17      forward that over to counsel again on I believe it</p> <p>18      was either Wednesday afternoon or Thursday last</p> <p>19      week. So there's been ample opportunity, I know,</p> <p>20      to get it to counsel.</p> <p>21      MS. ALBERT: Counsel, if that has not yet</p> <p>22      been produced, we would ask that you produce a</p>	<p>407</p>
<p>1       prior to 1995, correct?</p> <p>2       <b>A</b> Correct.</p> <p>3       Q Is there anyone still at Lawson in the</p> <p>4       area of Procurement with respect to the S3 product</p> <p>5       line that -- strike that. Is there anyone still</p> <p>6       employed at Lawson in the technical area of</p> <p>7       Procurement with respect to the S3 product line?</p> <p>8       <b>A</b> Yes.</p> <p>9       Q And who is that, who are those persons?</p> <p>10      <b>A</b> Todd Dooner and Keith Schmitz are two</p> <p>11      people.</p> <p>12      Q Whose employment at Lawson predates 1995?</p> <p>13      <b>A</b> That is correct.</p> <p>14      Q Do you know if they assisted counsel in</p> <p>15      preparing the response to this interrogatory?</p> <p>16      <b>A</b> I do not know.</p> <p>17      Q You were designated by Lawson to testify</p> <p>18      on its behalf with regard to topic number 25 of the</p> <p>19      second deposition notice relating to "the</p> <p>20      architecture, functionality and operation of any</p> <p>21      Lawson electronic sourcing and procurement system</p> <p>22      and/or service that Lawson contends is prior art to</p>	<p>406</p> <p>1       copy.</p> <p>2       MR. SCHULTZ: I will look into that.</p> <p>3       BY MS. ALBERT:</p> <p>4       Q Can you turn to page 7 of the appendix.</p> <p>5       <b>A</b> Mm-hmm. Okay.</p> <p>6       Q And at the bottom of that page, on the</p> <p>7       left hand part of the chart --</p> <p>8       <b>A</b> Page 7 of the appendix? My mistake.</p> <p>9       Okay.</p> <p>10      Q At the bottom of page 7 on the left hand</p> <p>11      side of the chart, there's a number 6. Do you see</p> <p>12      that?</p> <p>13      <b>A</b> I do.</p> <p>14      Q That starts claim 6 of the '683 patent.</p> <p>15      <b>A</b> Mm-hmm.</p> <p>16      Q And the first element of claim 6 calls</p> <p>17      for a database containing data relating to items</p> <p>18      associated with at least two sources. Do you see</p> <p>19      that?</p> <p>20      <b>A</b> Yes. Mm-hmm.</p> <p>21      Q Then continuing over at page 8 of the</p> <p>22      appendix A, do you see there's an entry on the</p>	<p>408</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 chart relating to Lawson Software available prior 2 to August 10, 1994?</p> <p>3 <b>A Mm-hmm.</b></p> <p>4 Q And then there are -- the statement 5 there, "Version 6.0 of Lawson's Purchase Order 6 module enabled a user to associate items with 7 multiple vendors," do you see that?</p> <p>8 <b>A I do.</b></p> <p>9 Q And then there are some references to 10 some Bates numbers of some documents.</p> <p>11 <b>A Yes.</b></p> <p>12 MR. SCHULTZ: Ms. Albert, as you're 13 getting ready over there, we have produced the 14 version 5 of the S3 applications. It was produced 15 last week.</p> <p>16 MS. ALBERT: Okay. Thank you. 17 Let me have the reporter mark as 18 Christopherson Exhibit 39 a document entitled 19 "Purchase Order Procedures Manual Release 6.0." It 20 bears production numbers L 0013146 through 295. 21 (Christopherson Exhibit 39 was marked for 22 identification and attached to the deposition</p>	<p>1 MR. SCHULTZ: Before we go ahead, I just 2 want to confirm that I have -- that in the original 3 there is a double duplication on the second page.</p> <p>4 MS. ALBERT: That's the same -- that's 5 the way mine appears as well.</p> <p>6 MR. SCHULTZ: And that's the way the 7 witness's appears as well. I just wanted to 8 confirm.</p> <p>9 MS. ALBERT: That may have been how it 10 was in the database with the image. I don't know.</p> <p>11 MR. SCHULTZ: Okay. Thank you.</p> <p>12 BY MS. ALBERT: 13 Q I want to refer to the page L 0013209 14 through 10 that's referenced in the claim chart of 15 appendix A of the answer to interrogatory number 4. 16 And I want to go to that page in Exhibit 39.</p> <p>17 <b>A What is the page you're looking for?</b> 18 Q With respect to the claim chart, page 8 19 of the claim chart, appendix A of Exhibit 38. Do 20 you see the reference there to L 0013209 through 21 10? 22 <b>A Yes, I do.</b></p>	410	412
<p>1 transcript.)</p> <p>2 BY MS. ALBERT: 3 Q You can keep this interrogatory answer 4 open.</p> <p>5 <b>A Mm-hmm.</b></p> <p>6 Q Have you ever seen the manual that's been 7 marked as Christopherson Exhibit 39 before?</p> <p>8 <b>A Yes.</b></p> <p>9 Q When was the first time that you saw it?</p> <p>10 <b>A I believe I saw this one in the last 11 couple of weeks.</b></p> <p>12 Q When you were at Lawson, you had no 13 responsibilities with respect to Purchase Order 14 release 6.0; is that correct?</p> <p>15 <b>A For the integration of that, certain 16 maintenance packs or release levels after February 17 1997, I would have.</b></p> <p>18 Q So this would have still been -- 19 customers would have still been deploying release 20 6.0 in the 1997 time period?</p> <p>21 <b>A Correct.</b></p> <p>22 Q Let's go ahead and turn --</p>	<p>1 Q And I believe that those pages can be 2 found within Christopherson Exhibit 39.</p> <p>3 <b>A Okay. Okay. Okay.</b></p> <p>4 Q Can you just confirm for me that the 5 process on these two pages in Exhibit 39 has no 6 relationship to the requisition process?</p> <p>7 <b>A I'm not sure what you mean by "no 8 relationship to the requisition process."</b></p> <p>9 Q It doesn't refer at all on these two 10 pages to the requisition process, does it?</p> <p>11 MR. SCHULTZ: I object to the form.</p> <p>12 Vague.</p> <p>13 THE WITNESS: It's data that's used as an 14 outcome of the requisition process.</p> <p>15 BY MS. ALBERT: 16 Q What tells you that on these two pages?</p> <p>17 <b>A That's data that's associated into the 18 Item Master. It's not saying that. Taking two 19 pages out of context of what the Purchase Order -- 20 if you go back to the actual manual itself, this is 21 a high level of the Purchase Order process, which 22 does set up certain items for -- or set up certain</b></p>		

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1     <b>data that is used if a requisition does flow into a</b>  2     <b>purchase order.</b></p> <p>3       Q   Where does it say anything in this  4    section of the Purchase Order manual about  5    requisitions?</p> <p>6       <b>A   It doesn't say.</b></p> <p>7       Q   Right. Can you turn to -- oh, no, let me  8    go on. Sorry. I may come back to Exhibit 39, so  9    keep it available.</p> <p>10      <b>A   I'll set it aside.</b></p> <p>11       MS. ALBERT: Let me ask the reporter to  12    mark as Christopherson Exhibit 40 a document  13    entitled "Requisitions Procedures Manual Release  14    6.0." It bears production numbers L 0009725  15    through 773.</p> <p>16       (Christopherson Exhibit 40 was marked for  17    identification and attached to the deposition  18    transcript.)</p> <p>19       THE WITNESS: Okay.</p> <p>20    BY MS. ALBERT:</p> <p>21       Q   Can you tell me what this document is  22    that's been marked as Christopherson Exhibit 40?</p>	413	<p>1       Q   Going back to appendix A of the answer to  2    interrogatory number 4 that's in Exhibit 38, can  3    you turn to page 9 of that appendix.</p> <p>4       <b>A   Okay.</b></p> <p>5       Q   And there's an element of claim 6 that  6    refers to means for building a requisition using  7    data relating to selected matching items and their  8    associated sources; do you see that?</p> <p>9       <b>A   Yes, I do.</b></p> <p>10      Q   Then on the right hand side of the chart  11    there's a reference to Lawson software available  12    prior to August 10, 1994; do you see that?</p> <p>13      <b>A   Yes, I do.</b></p> <p>14      Q   And it states there that version 6.0 of  15    the Lawson requisition module enabled users to  16    create a requisition from a standard order; do you  17    see that?</p> <p>18      <b>A   Yes, I do.</b></p> <p>19      Q   And it refers to a page there, L 0009741,  20    do you see that?</p> <p>21      <b>A   I do.</b></p> <p>22      Q   And I believe that page is found in the</p>	415
<p>1       <b>A   It's the release 6 version of the</b>  2     <b>Requisitions process, and gives a high level</b>  3     <b>description of that process.</b></p> <p>4       Q   Where is this manual retained?</p> <p>5       <b>A   This particular manual would have been</b>  6     <b>retained and maintained by the documentation team.</b></p> <p>7       Q   So does Lawson maintain documentation  8    relating to various prior releases of its products?</p> <p>9       <b>A   Until the point of decommission, yes.</b></p> <p>10      Q   Has release 6.0 been decommissioned?</p> <p>11      <b>A   For a number of years, yes, it has.</b></p> <p>12      Q   So do you know from where this particular  13    document was collected?</p> <p>14      <b>A   I do not.</b></p> <p>15      Q   Who would you ask to find out that  16    information?</p> <p>17      <b>A   I would almost have to go back to legal</b>  18     <b>to see if they know where they got it from.</b></p> <p>19      Q   So this is not regularly maintained by  20    Lawson anymore; is that correct?</p> <p>21      <b>A   That's correct. The technical writers</b>  22     <b>would not be maintaining this.</b></p>	414	<p>1       document that's been marked as Christopherson  2    Exhibit 40. Can you turn to that page.</p> <p>3       <b>A   Okay. Mm-hmm.</b></p> <p>4       Q   First of all, what's a standard order?</p> <p>5       <b>A   I'm not sure how that word is actually</b>  6     <b>being used on that particular page. Standard order</b>  7     <b>in my mind reflects non-special order. So</b>  8     <b>something you would typically keep in inventory.</b></p> <p>9       <b>Or it might at least be in your Item Master. It's</b>  10      <b>in your Item Master. Not everything in Item Master</b>  11      <b>do you necessarily keep in inventory. You may</b>  12      <b>order it frequently.</b></p> <p>13      Q   Is a standard order one that you can save  14    and call up and reissue?</p> <p>15      <b>A   I'm not sure.</b></p> <p>16      Q   So with respect to the claim chart in  17    appendix A, Lawson cited this page as supporting  18    the proposition that this particular module  19    included a means for building a requisition using  20    data relating to selecting matching items and their  21    associated sources. It doesn't discuss anywhere on  22    this page performing a search for selected matching</p>	416

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

417	419
<p>1 items in a vendor catalog and building a    2 requisition using the search results, does it?</p> <p>3 <b>A It does not, no.</b></p> <p>4 Q Let's turn back to Exhibit 39. And also    5 in that claim chart on page 9 of appendix A,    6 there's a reference there to page L 0013226; do you    7 see that?</p> <p>8 <b>A I do.</b></p> <p>9 Q Can you turn to that page in Exhibit 39.</p> <p>10 <b>A Okay.</b></p> <p>11 Q Can you just review the information on    12 that page.</p> <p>13 <b>A I'll get the context of that page first.</b></p> <p>14 <b>Okay.</b></p> <p>15 Q With respect to this procedure of    16 creating a basic purchase order, as it's described    17 in this manual on the particular page cited, the    18 user is manually inputting the item into the    19 purchase order, isn't that true?</p> <p>20 <b>A Yes, they are.</b></p> <p>21 Q This page is not describing the search of    22 a vendor catalog for a matching item, is it?</p>	<p>1 <b>technical writing team.</b>    2 Q Do you know from whose files this    3 document was located?</p> <p>4 <b>A I do not.</b>    5 Q Can you turn to page 10 of appendix A of    6 Exhibit 38. That's the interrogatory answer.</p> <p>7 <b>A Okay.</b>    8 Q And with reference to the part of the    9 claim chart on that page, there's an element of    10 claim 6 that describes means for converting data    11 related to a selected matching item and an    12 associated source, to data relating to an item in a    13 different source. Do you see that?</p> <p>14 <b>A Yes, I do.</b>    15 Q And then on the right hand side of the    16 chart there's a reference to Lawson software    17 available prior to August 10, 1994. Do you see    18 that?</p> <p>19 <b>A Yes.</b>    20 Q And it indicates there that version 6.0    21 of -- oh, hang on a second. I'm sorry. Yes,    22 version 6.0 of Lawson's Requisition module enabled</p>
418	420
<p>1 <b>A It is not.</b>    2 Q And it's not describing the process for    3 building a requisition, is it?</p> <p>4 <b>A It is not.</b>    5 Q We may need those manuals. But I want    6 to --</p> <p>7 <b>A Okay. I'll just set those aside but keep    8 them handy.</b>    9 MS. ALBERT: Let me ask the reporter to    10 mark as Christopherson Exhibit 41 a document    11 entitled "Inventory Control Procedures Manual    12 Release 6.0." It bears production numbers L    13 0012837 through 3145.</p> <p>14 (Christopherson Exhibit 41 was marked for    15 identification and attached to the deposition    16 transcript.)</p> <p>17 BY MS. ALBERT:</p> <p>18 Q With respect to Exhibit 41, do you know    19 where that document is maintained?</p> <p>20 <b>A It wouldn't be maintained anymore at    21 Lawson, since it is a decommissioned product    22 anymore, by the information development or</b></p>	<p>1 users to indicate a replacement item for any item    2 entered into Item Master. And it cites page L    3 0012924, do you see that?</p> <p>4 <b>A Yes, I do.</b>    5 Q And I believe that page is found in    6 Exhibit 41. Can you turn to that page.</p> <p>7 <b>A Okay.</b>    8 Q Can you just take a minute to familiarize    9 yourself with the process being described on that    10 page.</p> <p>11 <b>A Okay.</b>    12 Q This page doesn't discuss anything about    13 converting an item to a different source, does it?</p> <p>14 MR. SCHULTZ: I object to form. Vague.    15 THE WITNESS: It does have the screenshot    16 at the top, and it does have "replacement item"    17 listed. There's no list, there's a blank in this    18 particular case, but it's on the screen, the IC11    19 and 11.1 screen.</p> <p>20 BY MS. ALBERT:</p> <p>21 Q Does this particular page discuss    22 anything about requisitioning an item?</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       <b>A</b> <b>No. This is not about requisitions.</b></p> <p>2       <b>This particular manual is about inventory control,</b></p> <p>3       <b>so setting up items within the Item Master.</b></p> <p>4       Q So it's not talking about replacing an</p> <p>5       item that was included on a requisition with a</p> <p>6       different item, is it?</p> <p>7       <b>A Within IC, and the Item Master, the</b></p> <p>8       <b>replacement item, once it's identified within</b></p> <p>9       <b>the Requisition program, if it has been</b></p> <p>10       <b>identified -- if it's identified that a replacement</b></p> <p>11       <b>item exists, so in this particular case item number</b></p> <p>12       <b>1013 on the screenshot, if there was an item</b></p> <p>13       <b>number, let's say 1014, that was in that particular</b></p> <p>14       <b>field, if that item was out of stock or was not</b></p> <p>15       <b>available or -- you were going to have to go and</b></p> <p>16       <b>purchase it, and there was an item that was in</b></p> <p>17       <b>stock, and let's say that was 1014 as a replacement</b></p> <p>18       <b>item, Requisitions would then replace that.</b></p> <p>19       <b>It does not discuss that there. But it</b></p> <p>20       <b>does show the requisition item on the screen.</b></p> <p>21       Q Also referring back to the claim chart on</p> <p>22       page 10 of appendix A.</p>	<p>421</p> <p>1       exhibits. And I just have one cleanup topic.</p> <p>2       <b>A Sure. Wow. I'll hand you the next five</b></p> <p>3       <b>manuals for that.</b></p> <p>4       Q Do you recall yesterday you indicated</p> <p>5       that you were designated to testify on Lawson's</p> <p>6       behalf with respect to Lawson's search for</p> <p>7       documents and things in response to ePlus's</p> <p>8       document requests, including the files and</p> <p>9       documents searched, including but not limited to</p> <p>10       the files and documents of past and present</p> <p>11       employees of Lawson, methods, procedures, search</p> <p>12       requests, and/or document retention policies used</p> <p>13       by Lawson to comply with ePlus's document requests?</p> <p>14       <b>A Yes.</b></p> <p>15       Q And are you prepared to testify on that</p> <p>16       topic?</p> <p>17       <b>A To the best of my ability.</b></p> <p>18       Q What was done --</p> <p>19       MR. SCHULTZ: Before you get into that</p> <p>20       topic, that was a cross-designated topic, just to</p> <p>21       put that on the record. Are we talking 25?</p> <p>22       MS. ALBERT: I'm talking about topic 12</p>	<p>423</p>
<p>1       <b>A Mm-hmm.</b></p> <p>2       Q In the interrogatory answer, there's</p> <p>3       another reference to page L 0012942, do you see</p> <p>4       that?</p> <p>5       <b>A 942?</b></p> <p>6       Q Yes. Can you turn to that page in</p> <p>7       Exhibit 41.</p> <p>8       <b>A Yes.</b></p> <p>9       Q Why don't you take a minute to</p> <p>10       familiarize yourself with the procedure discussed</p> <p>11       on that page.</p> <p>12       <b>A Okay.</b></p> <p>13       Q This particular procedure is -- has</p> <p>14       reference to after an order has already been</p> <p>15       placed; isn't that correct?</p> <p>16       <b>A Or in the process of being, but yes.</b></p> <p>17       It's either in the process of being placed or it's</p> <p>18       after it's been replaced -- been placed.</p> <p>19       Q So it's not referring to a requisition,</p> <p>20       is it?</p> <p>21       <b>A That is correct.</b></p> <p>22       Q That's all I have for all of those</p>	<p>422</p> <p>1       in the first notice.</p> <p>2       MR. SCHULTZ: Right. Which was also</p> <p>3       Brian Grout.</p> <p>4       MS. ALBERT: Correct. That's fine.</p> <p>5       MR. SCHULTZ: Okay.</p> <p>6       BY MS. ALBERT:</p> <p>7       Q Do you have any particular</p> <p>8       responsibilities for topic 12 that are different</p> <p>9       from Mr. Grout's responsibilities for topic 12?</p> <p>10       <b>A Mr. Grout would be handling most of the</b></p> <p>11       <b>actual -- the collection, since he works in IT.</b></p> <p>12       Q And what were your responsibilities with</p> <p>13       respect to topic 12?</p> <p>14       <b>A In my particular case it was to ensure</b></p> <p>15       <b>that I identified locations that we would have</b></p> <p>16       <b>design documents or share drive that we use on my</b></p> <p>17       <b>team; also to provide any documentation that I had,</b></p> <p>18       <b>to make my system available to be imaged, and to</b></p> <p>19       <b>archive off e-mails that were potentially relevant</b></p> <p>20       <b>to this.</b></p> <p>21       Q Who else from Lawson was involved in the</p> <p>22       document collection efforts besides yourself and</p>	<p>424</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

1       Mr. Grout?  2       A I know that in the case of the PC 3       imaging, there was the PC tech shop that were doing 4       the actual imaging of the PCs. In my case, my 5       specific case, I had to bring that down to the tech 6       shop. And I stayed with that PC the entire time as 7       they were working with it. I also pulled back some 8       of the source code from quite some time ago. Ryan 9       Duer was the one, the specific sys admin in ITS who 10      pulled that source code off of the magnetic tapes 11      for me.  12      Q What individuals' PCs were imaged? 13      A I do not know that. Brian would be a 14      better person to know.  15      Q Did you make any efforts to collect files 16      from past employees of Lawson that might be 17      relevant to the litigation?  18      A I did not. We had in early -- actually 19      let me clarify that. In the early stages when -- 20      in May, June time frame, we were trying to identify 21      if we had some documentation from back in '94 and 22      prior. And there was a couple of key business	425  1       dealing with -- the patents called for catalogs, 2       and multiple vendors.  3       We figured Punchout was probably in that 4       also. EDI, that's part of that process. As we 5       looked at how things had been set up, then we 6       realized that Inventory Control would be part of 7       that process also.  8       Q Who made the decision regarding which 9       were the relevant products for which to collect 10      documents?  11      A In the early stages, that was myself in 12      discussions with legal.  13      Q Did you use search terms to filter out 14      relevant documents?  15      A Search terms to filter -- yes. 16      Q Did you have a list of the search terms 17      that were used?  18      A I do not, no. 19      Q Has the list of search terms been 20      modified over the course of the litigation? 21      A Like I said, I was only involved in the 22      very early stages of things, and at that point then
426  1       analysts that were working on the document. We 2       attempted to get in touch with them to see if they 3       had anything that relates to when RQ was being 4       created.  5       And the business analysts did not.  6       Q Who were the business analysts that you 7       contacted?  8       A I don't recall off the top of my head at 9       this point. It was several months ago. I had 10      never met the person. It was other members of my 11      team who said this was the business analyst. If 12      anyone had the designs, and when we started this, 13      taking the idea concept into a design stage, it 14      would have been this person.  15      Q How did Lawson determine the relevant 16      products for which to collect documents?  17      A The relevant documents, based on looking 18      at the patents. And it was pretty clear up front 19      that we weren't talking about any of the HR 20      products, for instance. So we were quickly able to 21      determine just by looking at the words, obviously 22      Purchase Order, Requisitions, the fact that we're	428  1       legal took over, at that point working with Brian 2       Grout.  3       Q How did you determine the search terms to 4       use to filter out the documents?  5       A There was no filtering out of documents 6       in the early stages. It was rather, let's see what 7       documents we might have. So after it became a 8       filtering process, I was no longer involved at that 9       point.  10      Q Did you take into account the different 11      names for the Lawson products that, you know, have 12      changed over time, when you conducted your search 13      for responsive documents?  14      A Again, I was not involved, as I moved on, 15      with legal and ITS conducting those searches.  16      Q Who would I talk to if I wanted to know 17      that information?  18      A I would have talked to Brian Grout.  19      Q How did Lawson determine the personnel 20      from which to collect documents?  21      A That would be a question to ask Brian 22      Grout.

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 Q If Mr. Grout didn't know, then who should 2 I talk to?</p> <p>3 A Then at that point it would have been 4 Lawson's legal that I would have talked to.</p> <p>5 Q Did Lawson search any centralized 6 repositories for responsive documents?</p> <p>7 A I do know that they took a snapshot of my 8 e-mail system, which is a centralized system. I do 9 know that they also asked for specific share drives 10 that my team was using, and that also is a 11 centralized system.</p> <p>12 Q What share drives were collected?</p> <p>13 A We have a share drive, University NT 14 Develop is the name of the server. Actually it's 15 University NT, and then Develop is the top level. 16 Within side of that you get into procurement 17 directories and stuff that have design documents.</p> <p>18 Q Do you know if a search was made of the 19 support.lawson.com website?</p> <p>20 A I do not, no.</p> <p>21 Q Who would I ask if I wanted to find out 22 that information?</p>	<p>429</p> <p>1 the repository where the training manuals are 2 located?</p> <p>3 A I do not know that.</p> <p>4 Q And who would I ask if I wanted to 5 determine that?</p> <p>6 A I would go to Brian also.</p> <p>7 Q And what if Mr. Grout didn't know?</p> <p>8 A Then I would ask Brian who I should go 9 talk to about that.</p> <p>10 Q What if he referred to you?</p> <p>11 A I would look at Brian and I would say, 12 come on, Brian, you know I'm not in charge of 13 training.</p> <p>14 Q Do you know if a search was conducted of 15 the competitive intelligence folks' drives?</p> <p>16 A I do not know.</p> <p>17 Q Who would I ask if I wanted to determine 18 that?</p> <p>19 A I would go to Brian Grout, again.</p> <p>20 Q How did Lawson go about collecting the 21 source code for the accused products?</p> <p>22 A For the source code, I know that at one</p>	<p>431</p>
<p>1 A Brian again.</p> <p>2 Q Who would I ask if Mr. Grout didn't know?</p> <p>3 A If Brian didn't know, then I would 4 probably go to maybe Nancy Anderson. Her team did 5 get the e-mail message that came out from Lawson's 6 legal department asking everyone to do --</p> <p>7 MR. SCHULTZ: Wait. Wait. I ask that 8 the witness be cautioned not to answer anything 9 that was attorney-client privileged.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 BY MS. ALBERT:</p> <p>12 Q Was a search conducted of the 13 MyLawson.com website for responsive documents?</p> <p>14 A I do not know.</p> <p>15 Q Who would I ask if I wanted to know that 16 information?</p> <p>17 A I would go to Brian.</p> <p>18 Q And who would I ask if Brian Grout didn't 19 know?</p> <p>20 A I would ask Brian if Brian didn't know. 21 Brian was in charge of the collection of documents.</p> <p>22 Q Do you know if a search was conducted of</p>	<p>430</p> <p>1 point we were asked to turn over the source code as 2 delivered in the last version that came from the 3 product delivery system. ITS collected that. And 4 that obviously is the 4GL systems. The other ones 5 that are not delivered in source code format to the 6 customers, I do not know how they specifically got 7 those from the developers that maintain that system 8 or those systems.</p> <p>9 Q And I already asked this, I think, but 10 I'll ask it again, just because it relates to this 11 topic.</p> <p>12 A Sure.</p> <p>13 Q Has the source code for the M3 14 Procurement modules been produced?</p> <p>15 A I do not work with M3.</p> <p>16 Q Who would you ask to locate the source 17 code for the M3 Procurement modules?</p> <p>18 A I would first go to Brian Grout to see if 19 they had been in fact turned over.</p> <p>20 Q Have all the guides for each module in 21 the S3 Supply Chain Management procurement area 22 been produced?</p>	<p>432</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1       A All of the guides that I'm aware of. And  2       we've certainly gone over quite a few guides  3       yesterday and today.</p> <p>4       Q Have all of the guides associated with  5       the M3 Supply Chain Management Procurement modules  6       been produced?</p> <p>7       A Again, I do not work with M3, so...</p> <p>8       Q Do you know who was responsible for  9       collecting the guides associated with the M3 Supply  10       Chain Management Procurement modules?</p> <p>11       A Brian would have been the one ultimately  12       responsible.</p> <p>13       Q Did Lawson collect and produce responsive  14       documents relating to the Vendor Self-Service  15       application?</p> <p>16       A Say that again.</p> <p>17       Q Did Lawson collect and produce documents  18       relating to the Vendor Self-Service application?</p> <p>19       A Yes, and we reviewed some of those  20       yesterday.</p> <p>21       Q Did Lawson search any backup tapes or  22       backup servers for relevant documents?</p>	433	<p>1       requests?</p> <p>2       A Those sort of documents I would  3       categorize as training materials also. So I would  4       refer back to my previous answer.</p> <p>5       MS. ALBERT: So again, counsel, we're  6       going to request production of materials from the  7       Online Learning Library relating to the relevant  8       Procurement applications from the S3 Supply Chain  9       Management suite and the M3 Supply Chain Management  10       suite.</p> <p>11       MR. SCHULTZ: That's the same thing we  12       talked about this morning, which is in process.</p> <p>13       MS. ALBERT: Okay.</p> <p>14       BY MS. ALBERT:</p> <p>15       Q Is there a website or e-mail address  16       known as competitiveinfo@lawson.com?</p> <p>17       A I'm not aware of it.</p> <p>18       Q So do you know if a search was done of  19       that mailbox, competitiveinfo@lawson.com?</p> <p>20       A I do not know that.</p> <p>21       Q Who would know that?</p> <p>22       A Brian Grout would know that.</p>	435
<p>1       A I know that specifically I did have Ryan  2       Duer search for files predating '93. He did return  3       back several systems -- or not systems, in their  4       whole case, but rather some areas where we had  5       deliverable code such as the 50 code.</p> <p>6       Q And what about with respect to just more  7       recent versions of the systems? Were searches  8       conducted for those?</p> <p>9       A That would be a question you should ask  10       Mr. Grout on.</p> <p>11       Q What efforts did Lawson take to locate  12       legacy Intentia documents?</p> <p>13       A That is -- Intentia is associated with  14       the M3 product line. And I'm not knowledgeable on  15       the M3 product line.</p> <p>16       Q Do you know who is responsible for  17       collecting documents relating to the M3 product  18       line?</p> <p>19       A It would have been the M3 team working in  20       conjunction with Mr. Grout.</p> <p>21       Q Was the Online Learning Library searched  22       for documents responsive to ePlus's document</p>	434	<p>1       MS. ALBERT: Counsel, we would request  2       that a search be conducted of the mailbox  3       competitiveinfo@lawson.com for relevant documents  4       responsive to the request.</p> <p>5       MR. SCHULTZ: I will look into that.</p> <p>6       BY MS. ALBERT:</p> <p>7       Q Did you check the e-mail archives for  8       responsive documents?</p> <p>9       A In my specific case I did.</p> <p>10       Q What about in the case of the other  11       custodians?</p> <p>12       A That would be a question I would ask  13       Mr. Grout.</p> <p>14       Q Did you collect e-mail from Melissa Gray?</p> <p>15       A That would be a question to ask  16       Mr. Grout.</p> <p>17       Q Did you collect e-mail from Ginger Haan?</p> <p>18       A That would be a question to ask  19       Mr. Grout.</p> <p>20       Q Did you collect e-mail from Pete  21       Alexander?</p> <p>22       A That would be a question to ask</p>	436

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

1 <b>Mr. Grout.</b>  2      Q    Did you collect e-mails from anyone with 3      competitive intelligence responsibilities?  4 <b>A    That would be a question to ask</b>  5 <b>Mr. Grout.</b>  6      Q    What type of search was done for 7      documents detailing the revenues associated with 8      each of the accused products?  9 <b>A    I do not know.</b>  10     Q    Who would know the answer to that?  11 <b>A    I would start with a discussion with</b>  12 <b>Mr. Grout.</b>  13     Q    And if Mr. Grout had no knowledge of 14     that, who would I check with?  15 <b>A    I would ask him for recommendations.</b>  16     Q    Are there specific reports that can be 17     generated that will detail the license fees, 18     maintenance and support fees, consulting services 19     fees associated with each of the accused products?  20 <b>A    I'm not aware of any.</b>  21     Q    Do you know, is there a specific database 22     where information relating to these types of fees	437      1      in this 30(b)(6) deposition. 2      So I'm going to leave the deposition 3      open. 4      MR. SCHULTZ: Let's take a quick break, 5      maybe five minutes. 6      MS. ALBERT: Sure. 7      THE VIDEOGRAPHER: We're going off the 8      record. The time is 12:10 p.m. 9      (Recess.) 10     THE VIDEOGRAPHER: We're now back on the 11     record. The time is 12:14 p.m. 12     EXAMINATION BY COUNSEL FOR DEFENDANT 13     BY MR. SCHULTZ: 14     Q    Mr. Christopherson, you talked about your 15     roles at Lawson. Could you describe the functions 16     of your responsibilities again, please. 17 <b>A    Currently I'm in charge of product</b> 18 <b>development within inside of the S3 suite for the</b> 19 <b>Fourth Generation Language applications, which are</b> 20     primarily in three suite areas: The HR, the 21     Financials, and the Supply Chain side. 22     Outside of the 4GL applications I also	439
1      is maintained?  2 <b>A    Say that again, the question.</b>  3      Q    Is there a specific database where 4      information relating to license fees, maintenance 5      and support fees, implementation fees, consulting 6      fees, is maintained?  7 <b>A    There very well may. I don't have access</b> 8 <b>to that. If there is one that exists, I'm not</b> 9 <b>aware of it.</b>  10     Q    Who would you ask to determine the answer 11     to that question?  12 <b>A    I would have to think about that for</b> 13 <b>some.</b>  14     MS. ALBERT: I believe that's all the 15     questions. But I'm not concluding the 30(b)(6) 16     deposition. There are many topics that 17     Mr. Christopherson had gaps in his knowledge. And 18     additionally we've been receiving very large 19     productions of documents, and there may very well 20     be relevant documents that we have only just 21     recently received and not had an opportunity to 22     review, that may be related to some of the topics	438      1      have the self-evident applications, which there's 2      self-evident applications in each of the other 3      three suites that we talked about, so there's an HR 4      one, there's one for Requisitions Self-Service, for 5      the Supply Chain that we've talked about the last 6      two days, then also in the Financials area. EDI 7      and Service Automation.  8      Q    With that full range of products that you 9      deal with, do you work with other people at Lawson?  10 <b>A    On a daily basis.</b>  11     Q    What other areas do you work with at 12     Lawson?  13 <b>A    I work with practically every area in</b> 14 <b>Lawson on a daily basis.</b>  15     Q    Do you work with sales?  16 <b>A    Yes.</b>  17     Q    Do you work with product management?  18 <b>A    Yes.</b>  19     Q    Do you work with administration?  20 <b>A    Yes.</b>  21     Q    Do you work with executives?  22 <b>A    Yes.</b>	440

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 Q In connection with all of the people you 2 work with at Lawson, had you ever heard of ePlus or 3 talked with anyone else at Lawson about ePlus prior 4 to receiving this lawsuit?</p> <p>5 A No, I had not.</p> <p>6 Q Had you ever talked to anyone or did you 7 know of -- well, let me break that down into two 8 questions. Did you know of ePlus prior to this 9 lawsuit?</p> <p>10 A I did not.</p> <p>11 Q Did you talk with anyone at Lawson who 12 indicated that they knew about ePlus prior to this 13 lawsuit being filed?</p> <p>14 MS. ALBERT: Asked and answered.</p> <p>15 THE WITNESS: What was -- I have not.</p> <p>16 BY MR. SCHULTZ:</p> <p>17 Q Were you aware personally of any of the 18 patents that were involved in this lawsuit prior to 19 it being filed?</p> <p>20 MS. ALBERT: Asked and answered.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. SCHULTZ:</p>	<p>441</p> <p>1 compare the information that was in the patents, in 2 the claims that are in the patents to the software 3 that Lawson currently uses?</p> <p>4 MS. ALBERT: Objection, asked and 5 answered.</p> <p>6 THE WITNESS: Yes, in the middle of May 7 we sat down, or I sat down on my development team 8 in the Supply Chain area, and not everyone on the 9 team but certain key people such as Mr. Dooner, who 10 has been at the company since 1990 and worked on 11 the Requisition product, Requisitions Self-Service, 12 since that time, or his entire time at Lawson; and 13 then also Jill, the business analyst, Jill 14 Richardson; Dwight Delancy; and then -- let's see, 15 we talked also to Brent on the EDI side.</p> <p>16 The conclusion we came up with, just, you 17 know, the development team, is that we didn't feel 18 that we were infringing on the patent at that time.</p> <p>19 MS. ALBERT: Objection. I ask that the 20 answer be stricken. This witness is incompetent to 21 provide testimony on infringement. Calls for 22 expert testimony.</p>	<p>443</p>
<p>1 Q Were you aware of anyone at Lawson who 2 knew of the patents involved with this lawsuit 3 prior to it being filed?</p> <p>4 MS. ALBERT: Objection --</p> <p>5 THE WITNESS: No.</p> <p>6 MS. ALBERT: -- asked and answered.</p> <p>7 BY MR. SCHULTZ:</p> <p>8 Q Your answer to that was "no"?</p> <p>9 A Right.</p> <p>10 Q Did you have an opportunity to look at 11 the patents that are involved in this case?</p> <p>12 MS. ALBERT: Objection, asked and 13 answered.</p> <p>14 THE WITNESS: Yes, I did.</p> <p>15 MS. ALBERT: Give me a little time to 16 state my objection.</p> <p>17 THE WITNESS: Okay, I will.</p> <p>18 BY MR. SCHULTZ:</p> <p>19 Q Just to make sure, you had a --</p> <p>20 A Yes, I did have a chance to review those 21 in the middle of May, for the first time.</p> <p>22 Q And did you have an opportunity to</p>	<p>442</p> <p>1 BY MR. SCHULTZ:</p> <p>2 Q Mr. Christopherson, let's talk about your 3 educational background.</p> <p>4 A Sure.</p> <p>5 Q What is your degree in?</p> <p>6 A My degree is in management information 7 systems.</p> <p>8 Q What is that?</p> <p>9 A Management information systems, that 10 essentially is a curriculum of not just computer 11 programming, but it's also project management. 12 It's managing in today's world computerized 13 systems, of which programming is also obviously 14 part of that.</p> <p>15 Q And what job experience have you had 16 since you -- and during the time that you were 17 obtaining that degree?</p> <p>18 A I've been a software developer, project 19 manager. I was director of a technology center in 20 Florida where we worked primarily with the 21 telephone companies, and both land line telephone 22 applications along with cellular telephones. Along</p>	<p>444</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

<p>1 that lines, at the same time I moved into Lawson,  2 involved with the ERP software since my entire time  3 at Lawson.  4 And additionally, when I was back in the  5 time where it was Titan Corporation, I was working  6 providing intelligence analysis also.</p> <p>7 Q How many years have you been working in  8 the software development, management, and director  9 areas?</p> <p>10 A It's got to be over 20 years.</p> <p>11 Q After reading the patents and having  12 knowledge of Lawson's software, did you continue to  13 use Lawson software?</p> <p>14 MS. ALBERT: Asked and answered.</p> <p>15 THE WITNESS: Continued to use Lawson  16 software. Today Lawson uses Lawson software.</p> <p>17 BY MR. SCHULTZ:</p> <p>18 Q And you didn't stop selling Lawson  19 software after comparison of the patents and your  20 software?</p> <p>21 MS. ALBERT: Asked and answered.</p> <p>22 THE WITNESS: That really wouldn't be my</p>	<p>445</p> <p>1 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF  2 BY MS. ALBERT:  3 Q With respect to content in the Item  4 Master database as delivered, isn't it true that  5 the content would be loaded into a database as a  6 customer enters into agreements with particular  7 suppliers?  8 A They may not load -- they may or may not  9 load. That's up to the customer to decide that.  10 Q But given that Lawson doesn't know the  11 particular vendors with whom each of its customers  12 have relationships, that would be a reason why  13 there wouldn't be any data preloaded into the  14 products as delivered, correct?  15 A Correct.  16 Q And Lawson does provide the catalog data  17 import utility that we referred to, and we saw the  18 source code PO536, that comes with the product as  19 delivered, correct?  20 A Correct.  21 Q And also you testified earlier that  22 Lawson will provide implementation services to</p>
<p>1 decision, as far as to stop sell that particular  2 product. But the product management team, in  3 working their own separate analysis, working with  4 other people in the company, they decided to  5 continue selling it. They didn't see an issue.</p> <p>6 BY MR. SCHULTZ:</p> <p>7 Q As Lawson Software is delivered in the  8 box, does Lawson provide any content in its Item  9 Master database?</p> <p>10 A That Item Master database, in fact once  11 you install -- from a clean install, so it assumes  12 there's no customer data already there such that  13 you've upgraded it, but if it's a fresh install, if  14 you were to go and look at the number of records in  15 the Item Master file, there's zero records. There  16 is no content.</p> <p>17 MR. SCHULTZ: I have no questions at this  18 time. However, as the deposition is kept open, I  19 will reserve the right to ask additional questions  20 at a later time.</p> <p>21 MS. ALBERT: I have a little bit of  22 recross.</p>	<p>446</p> <p>448</p> <p>1 assist its customers with importing vendor catalog  2 data into the Item Master, correct?  3 A Correct.  4 MS. ALBERT: Thank you. No further  5 questions.  6 MR. SCHULTZ: Nothing further at this  7 time.  8 THE VIDEOGRAPHER: This marks the end of  9 day number 2 in the deposition of  10 Mr. Christopherson. We're going off the record.  11 The time is 12:23 p.m.  12 (Signature having not been waived, the  13 deposition of DALE A. CHRISTOPHERSON was adjourned  14 at 12:23 p.m.)  15  16  17  18  19  20  21  22</p>

Christopherson, Dale - Vol. 2 10/20/2009 4:10:00 PM

1 * * * 2 ACKNOWLEDGEMENT OF DEPONENT 3 I, DALE A. CHRISTOPHERSON, do hereby 4 acknowledge that I have read and examined the 5 foregoing testimony, and the same is a true, 6 correct and complete transcription of the testimony 7 given by me, and any corrections appear on the 8 attached Errata sheet signed by me. 9 10 _____ 11 (DATE) (SIGNATURE) 12 13 14 15 16 17 18 19 20 21 22	449 1 ERRATA SHEET 2 IN RE: ePLUS iINC. v. LAWSON SOFTWARE, INC. 3 RETURN BY: _____ 4 PAGE LINE CORRECTION AND REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 (DATE) (SIGNATURE)
450 1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC 2 I, Lee Bursten, the officer before whom 3 the foregoing deposition was taken, do hereby 4 certify that the foregoing transcript is a true and 5 correct record of the testimony given; that said 6 testimony was taken by me stenographically and 7 thereafter reduced to typewriting under my 8 direction; and that I am neither counsel for, 9 related to, nor employed by any of the parties to 10 this case and have no interest, financial or 11 otherwise, in its outcome. 12 IN WITNESS WHEREOF, I have hereunto set 13 my hand and affixed my notarial seal this 26th day 14 of October, 2009. 15 My commission expires: June 30, 2014. 16 17 18 19 _____ 20 LEE BURSTEN 21 NOTARY PUBLIC IN AND FOR 22 THE DISTRICT OF COLUMBIA	452 1 ERRATA SHEET CONTINUED 2 IN RE: ePLUS iINC. v. LAWSON SOFTWARE, INC. 3 RETURN BY: _____ 4 PAGE LINE CORRECTION AND REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 (DATE) (SIGNATURE)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11th day of August, 2010, I will electronically file the foregoing

**PLAINTIFF ePLUS INC'S OBJECTIONS TO DEFENDANT'S COUNTER  
DEPOSITION DESIGNATIONS, COUNTER-COUNTER DESIGNATIONS  
AND REVISED SUMMARY OF DAY 2 OF THE DEPOSITION OF  
DALE CHRISTOPHERSON (OCT. 20, 2009)**

with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

Daniel McDonald, *pro hac vice*  
William D. Schultz, *pro hac vice*  
Rachel C. Hughey, *pro hac vice*  
Joshua P. Graham, *pro hac vice*  
Andrew Lagatta, *pro hac vice*  
Merchant & Gould P.C.  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone: (612) 332-5300  
Facsimile: (612) 332-9081  
[lawsonscrvicc@merchantgould.com](mailto:lawsonscrvicc@merchantgould.com)

Robert A. Angle (VSB# 37691)  
Dabney J. Carr, IV (VSB #28679)  
Troutman Sanders LLP  
P.O. Box 1122  
Richmond, VA 23218-1122  
Telephone: (804) 697-1238  
Facsimile: (804) 698-5119  
[robert.angle@troutmansanders.com](mailto:robert.angle@troutmansanders.com)  
[dabney.carr@troutmansanders.com](mailto:dabney.carr@troutmansanders.com)

*Counsel for Defendant Lawson Software, Inc.*

/s/

David M. Young (VSB #35997)  
**GOODWIN PROCTER LLP**  
901 New York Avenue, N.W.  
Washington, DC 20001  
Telephone: (202) 346-4000  
Facsimile: (202) 346-4444  
[dyoung@goodwinprocter.com](mailto:dyoung@goodwinprocter.com)